

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86423 of 2023

Arising Out of PS. Case No.-2466 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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Kamar Kamal S/O Late Md. Gunus, R/O Village- Maker, Post And P.S-
Maker, Distt.- Chapra (Saran).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mansoor Ansari Asharfi S/O Late Md. Kasim, R/O 504 Maqbool Apartment,
Exhibition Road, P.S- Gandhi Maidan, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nalin Kumar, Advocate
For the Informant	:	Mr. Ajay Kumar Prasad, Advocate
		Mr. Binod Kumar Singh, Advocate
For the Opposite Party/s :		Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Nalin Kumar, the learned counsel for the

petitioner, Mr. Ajay Kumar Prasad, the learned counsel for the

informant and Mr. Ashok Kumar Singh, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Complaint Case No. 2466(C) of 2020,

registered for the offences punishable under Section 420 of the

Indian Penal Code read with Section 138 of the Negotiable

Instruments Act.

3. According to prosecution case, the accused took

Rs. 16,00,000/- (Rupees sixteen lakhs) from the complainant



promising to return the same within one year. It is further alleged that after repeated demand the accused gave two cheques of SBI, Gola Road, Muzaffarpur of Rs. 7,50,000/- (Rupees seven lakh and fifty thousand) and Rs. 8,00,000/- (Rupees eight lakh), which were dishonoured due to insufficient fund.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not issued any cheque in question, which is the subject matter of the complaint petition. Although, the petitioner is ready to return half the amount to the complainant and rest amount is subject to the result of the outcome of the complaint case. He further submits that the petitioner shall pay Rs. 5,00,000/- (Rupees five lakhs) at the time of furnishing the bail bond by way of demand draft in favour of the complainant namely, Mansoor Ansari Asharfi and the learned trial Court is directed to hand over the demand draft to the complainant or his representative and the rest amount of 2,50,000/- (Rupees two lakhs and fifty thousand) shall be paid within two months and if the petitioner does not pay the aforesaid amount within specified period, the complainant shall



be at the liberty to move before the learned trial Court for cancellation of the bail bond of the petitioner.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has no objection to the aforementioned contention.

6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of eight weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Patna, where the case is pending in connection with **Complaint Case No. 2466(C) of 2020**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii). If the petitioner tampers with the evidence or



the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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