

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.596 of 2024

Arising Out of PS. Case No.-8 Year-2020 Thana- GARDANIBAG District- Patna

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Anugrah Kumar Son Of Radheshyam Gupta Resident Of B-4 Saket Vihar
Mitra, Mandal Colony, South Of Gautam Market, Phulwari, Anisabad, P.S. -
Gardanibagh, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar

For the Opposite Party/s : Mr.Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-01-2024 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 406 and 420
of the Indian Penal Code and Section 138 of N.I. Act.

3. Allegation against the petitioner is that he took 25
lacs from the informant on good faith for the purpose of
expanding his jewellery shop business and the same was given
to the petitioner by informant after making many efforts by the
petitioner and an agreement was done between the parties
regarding receiving the amount and agreed to repay the said
amount of Rs. 25 lacs before March, 2018. It is further alleged
that petitioner did not return the said amount as per the



agreement date and when the informant continuously made efforts to give her amount. The petitioner issued cheque but the same has bounced due to insufficient fund. Thereafter, the informant went to the petitioner to give his money back then he threatened and refused to give the money to the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to ulterior motive. It is further submitted from para-11 of this petition that the petitioner preferred an application for grant of regular bail before the Learned Lower Court of District and Sessions Judge, Patna which was heard and disposed of by the court below wherein the petitioner was directed to pay the said amount of Rs. 25 lacs in equal installments of 2.5 lacs each month and 20 per cent of the amount i.e., 5 lacs at the time of furnishing the bail bond. Thereafter, the petitioner was released on bail by court below, Patna after furnishing the bail bond along with draft of Rs. 5 lacs which was duly received by the informant. Further, the learned Court of A.C.J.M., XIV, Patna took cognizance against the petitioner vide order dated 29.08.2020 for the offences under Sections 406 and 420 of IPC and 138 of N.I. Act. without applying any judicial mind that no FIR can be instituted for the



offences under Section 138 of N.I. Act. From para-14 of this petition, it is mentioned that learned Court of A.C.J.M., XIV, Patna passed a fresh order dated 20.02.2021 and has taken cognizance against the petitioner for offences under Section 406 of IPC and issued summon upon the petitioner. From para-15 of this petition, it is humbly submitted that in the meantime, because of the pandemic Covid-19, the petitioner suffered a huge loss in the business and apart from that, a dacoity has also taken place in the shop of the petitioner for which FIR bearing Gardanibagh P.S. Case No. 528 of 2021 dated 19.12.2021 has been lodged by the wife of the petitioner and the in support of this FIR copy has been annexed as Annexure-P/4 of the petition. Moreover, the petitioner is languishing in judicial custody since 16.09.2023.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Gardanibagh P.S. Case No.



08 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. XIV, Patna.

(Sunil Kumar Panwar, J)

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