

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.985 of 2024

Arising Out of PS. Case No.-13 Year-2022 Thana- IMAMGANJ District- Gaya

Abutalah Khan Alias Jarar Khan Alias Abutalha Khan Son of Mohammad Ali
Resident of village- Baha, P.S and P.O Kothi, Dist-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Adv.
Mr. Sudhir Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP.
Mr. N.K. Agrawal, Sr. Adv.
Mr. Arvind Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-03-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 419, 420, 406 of the Indian Penal Code.

3. Allegedly, petitioner is said to have taken coal for his brick kiln with an assurance to pay the amount for the same shortly. After sometime, petitioner issued a cheque No. 167192 dated 29.12.2021 worth Rs. 8,12,000/- in favour of the informant, but when the informant presented the said cheque in his bank, the same was bounced due to insufficient balance.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and he has committed no



offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. The informant has lodged the present case only with a view to pressurize the petitioner. The real fact is that the petitioner has already paid the entire due amount. It is further submitted that petitioner is ready to return the said amount of Rs. 8,12,000/- to the informant within six months. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on **provisional bail** for a period of six months, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Imamganj P.S. Case No. 13 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. The petitioner is ready to pay Rs.2,00,000.00 (Rupees



Two Lakhs) to informant at the time of furnishing his provisional bail bond. The rest amount shall be paid by the petitioner to the informant within six months thereafter. After full and final payment of Rs. 8,12,000.00 (Rupees Eight Lakhs Twelve Thousand), the provisional bail of the petitioner will be confirmed by the learned Court below.

8. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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