

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4866 of 2024

Arising Out of PS. Case No.-1639 Year-2019 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Abhiram Gaurab Son Of Sri Saryug Prasad Resident Of Mohalla - Udantpuri,
Professor Colony, Garhpar, P.S. - Bihar, District - Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Arvind Kumar Sinha Son Of Arjun Prasad Resident Of Mohalla -
Dekulighat Garhpar, P.S. - Bihar, District - Nalanda (COMPLAINANT)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mrs. Vaishnavi Singh, Advocate
	:	Mr. Ritwik Thakur, Advocate
For the Informant/s	:	Mr. Sudesh Kumar, Advocate
For the State/s	:	Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-02-2024 Heard learned counsel for the petitioner, learned

APP for the State along with learned counsel for the

Opposite Party No. 2.

2. The petitioner apprehends his arrest in
connection with Complaint Case No. 1639C of 2019,
registered for the offences punishable under Section 420 of
the Indian Penal Code.

3. Learned counsel for the petitioner submits that
the dispute is purely civil to which a criminal colour has
been given. It is further submitted that the amount which the
Opposite Party No. 2 claims to have given to the petitioner



has already been returned to him, on which learned counsel for the Opposite Party No. 2 submits that the amount of Rs. 1200,000/- (Twelve Lakh) was given to the petitioner, out of which 6,00,000/- (Six Lakh) was given by way of cheque and rest of Rs, 6,00,000/- by way of cash and the Opposite Party No. 2 till date has not received a single penny. It is also submitted that since an amount of Rs. 6,00,000/- (Six Lakh) was given by way of cheque to the petitioner, as such, the petitioner ought to have returned that amount by way of cheque, but then the petitioner is taking a plea that he has already returned the entire amount in cash, which is nothing but a false plea. Learned counsel appearing on behalf of the petitioner at this stage submits that whether the petitioner has repaid the entire amount to the Opposite Party No. 2 or not, cannot be adjudicated in the present proceeding but then submits that he has instructions to make submission on behalf of the petitioner that the petitioner will pay Rs. 6,00,000/- (Six Lakh) to the Opposite Party No. 2 by way of cheque but within a period of six months from today that is the entire amount of Rs. 6,00,000/- (Six Lakh) shall be paid to the petitioner by 30.08.2024.

4. Learned counsel for the Opposite Party No. 2 for



the present on instruction does not oppose the anticipatory bail application of the petitioner. Learned counsel for the petitioner further submits that since the amount which the petitioner claims to have returned to the Opposite Party No. 2 is being disputed on the ground that Opposite Party No. 2 never received any cash amount from the petitioner, as such, the petitioner in order to establish his bona-fide has agreed for paying the present amount by way of cash.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on **Provisional Anticipatory Bail** on furnishing bail bonds of Rs. 5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate – Ist Class, Nalanda at Biharsharif, where the case is pending/successor court in connection with Complaint Case No. 1639C of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, it is made clear that in the event, if the Opposite Party No. 2 herein files an application before the learned trial court after 30.08.2024 bringing to its notice



that petitioner despite giving assurance to this Court has not returned Rs. 6,00,000/- (Six Lakh) by way of cheque, in that event, the learned trial court after giving an opportunity of hearing to the petitioner shall be at liberty to cancel the bail bond and in the event, if no application on behalf of the Opposite Party No. 2 is filed by 09.09.2024 before the learned trial court bringing to its notice that the amount as agreed, has not been paid, in that event, the Provisional Anticipatory Bail bond of the petitioner shall be confirmed by the learned trial court.

(Satyavrat Verma, J)

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