

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14759 of 2024

Arising Out of PS. Case No.-68 Year-2023 Thana- GAYA COMPLAINT CASE District-
Gaya

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Sanjay Bharti S/O Late Ramnandan Bharti Mohalla- Bahadurgir, Ps. Muffasil,
Dist. Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nikhil Nandan Sahay S/O Late Ramakant Sahay Mohalla- Chhotaki Nawada
Near Cotton Mill, P.O.- R.S.-Gaya, Ps.- Delha, Dist. Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

6 03-03-2025 In pursuance to the direction of this Court, both

parties appeared in chambers along with their respective

counsel.

2. The instant application for anticipatory bail has

been filed by the petitioner apprehending his arrest in a case

instituted for the offence punishable under Sections 406, 420

of the Indian Penal Code of the Indian Penal Code and Section

138 of the N.I. Act.

3. As per the prosecution case, complainant gave

rupees 22,00,000/- (twenty two lakh rupees) to the petitioner

for executing sale deed but the petitioner has not executed



the same. It is further alleged that, on repeated demand by the complainant, petitioner has returned Rs. 7,00,000/- (seven lakh rupees) and gave three cheques amounting rupees five lakhs each which were dishonored by the bank.

4. During course of argument, learned counsel for the petitioner submitted that presently, as per complainant, three checks amounting Rs. 5,00,000/- (five lakh rupees) each, ie,. total Rs. 15,00,000/- (fifteen lakh rupees) has been handed over to the complainant which were dishonored by the bank and admittedly, petitioner has also returned Rs. 7,00,000/- (seven lakh rupees) to the complainant. Petitioner further assured before the Court that he is ready to pay Rs. 8,00,000/- (eight lakh rupees) to the complainant in 8 installments (Rs. 1,00,000/- per month) within a period of eight months. First installment, of Rs. 1,00,000/-, will be paid at the time of filing of bail bonds.

5. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on **provisional bail**. The petitioner is directed to surrender in the Court below



within a period of four weeks from today and in the event of his arrest or surrender in connection with Complaint Case No. 68 of 2023 , he will be enlarged on **provisional bail** on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Gaya, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

6. The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt of deposit of first installment ie. Rs. 1,00,000/- (one lakh rupees) by the petitioner in the bank account of the complainant. He will also file an undertaking that he will pay the entire amount ie. Rs. 8,00,000/- (eight lakh rupees) to the informant in the manner as agreed and mentioned above.

7. Trial Court shall confirm the provisional bail granted to the petitioner after verifying the payment receipts of entire amount ie. Rs. 8,00,000/- (eight lakh rupees) paid by the petitioner to the complaint of this case.

8. The above payment will be subject to final adjudication of the case.



9. Accordingly, the instant application stands
disposed off.

(S. B. Pd. Singh, J)

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