

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7029 of 2025

Arising Out of PS. Case No.-27 Year-2023 Thana- RAMPUR District- Gaya

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PANKAJ KUMAR S/O Late Birendra Kumar R/O Mohalla- Chand choura,
PS- Vishnupad, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priya Ranjan Kumar S/O Late Nawal Kishore Singh R/O Vill.- Domuhan,
PS- Bodh Gaya, District- Gaya- 824231

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

For the Opposite Party/s : Mr.Meena Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 2 | 22-03-2025 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.2. This application, for grant of anticipatory bail, arises out of Rampur Police Station Case No. 27 of 2023, dated 09.01.2023, disclosing offences punishable under Sections 379/420 of the Indian Penal Code.3. The prosecution case, as per the First Information Report, is that the informant, who is the owner of a company, having GST No. 10AJNPS7134F129, entrusted the work of deposit of GST amount to the petitioner on behalf of the company and paid a sum of Rs. 2,78,000/- to the petitioner, but the petitioner deposited only a sum of Rs. |
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1,33,821. The professional charge of the petitioner, as decided, was Rs. 15,000/-. Accordingly, the petitioner has committed cheat and criminal breach of trust and misappropriated the amount paid by the informant to the petitioner to the tune of Rs. 1,44,179/-. It has further been stated that the petitioner gave the ground for non-payment of the entire amount that he had to pay bribe to the department; whereas, the process of deposit of GST amount is being done through online and there is no question of payment of bribe to the department.

4. Learned Counsel for the petitioner submits that from perusal of the First Information Report, it is clear that Rs. 15,000/- was the remuneration which was to be paid to the petitioner by the informant. After adjusting the amount of Rs. 15,000/-, a sum of Rs. 1,29,179/-, at best, be only due to the informant. Without prejudice to the right and contention of the petitioner, the petitioner is ready to return Rs. 1,29,179/- to the informant in installments within a period of six months from today.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the offer made by the petitioner, I am inclined to grant the petitioner



provisional bail, subject to the condition that the petitioner shall return a sum of Rs. 1,29,179/- to the informant in installments within a period of six months from today.

6. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on provisional bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Rampur Police Station Case No. 27 of 2023, subject to the conditions (i) laid down under Section 438 (2) of the Code of Criminal Procedure, (ii) the first instalment of Rs. 29,179/- shall be paid by the petitioner by way of bank transfer/bankers cheque prepared in favour of the informant and receipt thereof shall be produced before the learned District Court at the time of furnishing bail bonds, and (iii) the rest five equal instalments of Rs. 20,000/- each shall also be paid by the petitioner by way of bank transfer/bankers cheque prepared in favour of the informant.
7. It is made clear that after payment of the entire amount by



the petitioner to the informant, the learned District Court shall be at liberty to confirm the provisional bail granted to the petitioner by this Court.

- 8. It is further made clear that if the petitioner is not knowing the bank account number of the informant, he will contact the informant on his mobile number mentioned in the First Information Report and will seek the bank account number for the purpose of depositing the amount.
- 9. In case the petitioner fails to pay/deposit any of the instalment mentioned herein above, the informant shall be at liberty to take appropriate steps in the matter.
- 10. This application is, accordingly, disposed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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