

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46746 of 2024

Arising Out of PS. Case No.-96 Year-2023 Thana- SIKTI District- Araria

Md. Jalaluddin Ansari @ Md. Jalaluddin S/O Gulam Mustafa Ansari @ Md. Gulam Mustafa R/O Village-Masunda, Ward No.13, Pokhat Basti, P.S.-Sikti, Distt-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Manan Khan, Advocate Mr. Shive Kumar, Advocate Mr. Vivek Raj, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 23-01-2025 Heard learned counsel for the petitioner, Mr. Navin Kumar Pandey, learned APP for the State and learned counsel for the informant.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 341, 323, 504, 506, 406 and 420/34 of the Indian Penal Code.

3. The case of the prosecution is that the petitioner has taken Rs.15,64,000/- from the informant and two others. The petitioner is a travelling agent. He is instrumental in sending people abroad. It has further been stated that he has also issued a cheque in view of above cash which got dishonored.

4. Learned counsel appearing on behalf of the petitioner has submitted that it is out and out case of civil nature and the



informant should file a money suit for getting the cash which he has handed over to the petitioner. The petitioner is in custody since 23.01.2024.

5. Learned counsel for the informant has argued that there is an agreement between the parties and in that agreement the petitioner has committed to return back the cash which he has taken in installments, but despite that agreement he has not returned the cash. The petitioner has admitted that he has taken Rs.15,64,000/- cash and that he will return the same in installments. If he does not return the same then legal action can be taken against him. These were the terms of the agreement.

6. The application for bail is opposed by learned APP for the State.

7. Having heard learned counsel for the parties and considering the fact that if the agreement is taken to be true then this fact is clear that there is agreement between the parties and one of the term of the agreement is that if the cash is not returned then legal action can be taken against the petitioner. So for the cash, informant is at liberty to take legal action and from above discussions it is clear that out and out it is a case of civil nature. Considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond



of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of Judicial Magsitrate- 1st Class, Araria in connection with Sikti (Bardaha) P.S. Case No. 96 of 2023.

8. Accordingly, the present bail application stands allowed.

(Ashok Kumar Pandey, J)

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