

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41332 of 2025

Arising Out of PS. Case No.-1111 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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Kishori Rai S/O Sudhish Rai @ Ram Shresth Rai R/O Vill- Kothiya, P.S-
Awtarnagar, Distt- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Motilal Rai S/O Late Ramananda Rai R/O Village- Balua Tola Mauzampur,
P.S- Awtarnagar, Distt.- Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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

ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and

learned APP for the State.

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 Section

406, 420 of Indian Penal Code and Section 138 of

Negotiable Instrument Act.

3. The prosecution case, in brief, is that the

complainant had given a sum of ₹3,00,000/- (three lakh

rupees) to the petitioner for business purposes, which the



petitioner allegedly failed to return. Thereafter, a *Panchayati* was convened on 11.08.2021, wherein the petitioner purportedly agreed to repay the amount within three months. It is further alleged that the petitioner gave a cheque for ₹1,00,000/- (one lakh rupees), which, upon presentation, was dishonoured due to insufficient funds.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. It is further submitted that complainant has no proof that the petitioner has borrowed Rs. 3,00,000/- (three lakh rupees) from him on the alleged date.

5. During course of argument, learned counsel for the petitioner assured before the Court that he is ready to pay Rs. 1,00,000/- (one lakh rupees) to the complainant (Motilal Rai) in 03 installments within a period of six months. First installment of Rs. 30,000/- (thirty thousand rupees) will be paid at the time of filing of bail bonds and rest amount he will pay in two more



installments within a period of six months.

6. 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. 1111 of 2022 , 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 Judicial Magistrate 1st Class, Saran/concerned Court, subject to the conditions as laid down under section 482 of BNSS.

7. The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt of deposit of first installment ie. Rs. 30,000/- (thirty thousand 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. 1,00,000/- (one lakh rupees) to the informant in the manner as agreed and mentioned above.

8. Trial Court shall confirm the provisional bail granted to the petitioner after verifying the payment receipts of entire amount ie. Rs. 1,00,000/- (one lakh rupees) paid by the petitioner to the complaint of this case.

9. The aforesaid payment will be subject to final adjudication of the case.

10. Accordingly, the instant application stands disposed of.

(S. B. Pd. Singh, J)

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