

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52279 of 2023

Arising Out of PS. Case No.-398 Year-2021 Thana- GARDANIBAG District- Patna

Ajay Sundar Son Of Late Sudhakar Prasad Sinha Resedent Of Village- A/9,
M.C. Lane, Ps- Gardanibagh, Distt- Patna ... Petitioner
Versus

1. The State of Bihar
 2. Manish Kumar son of Sri Pandeshwar Prasad village- shivpuri, Navchetna Path, Po- Anishabad, Ps- Gardanibagh, Dist- Patna
- Opposite Parties

Appearance :

For the Petitioner/s :	Mr NK Agrawal, Senior Advocate Mr.Md Fazle Karim, Kr.Rajdeep, Advocates
For the Opposite Party/s :	Ms/Mrs. Nirmala Kumari, A.P.P. Mr. Jitendra Kr.Roy I, Advocate Mr. UK Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 15-01-2025 Heard learned counsel for the petitioner, the State
and opposite party no.2.

2. Petitioner apprehends arrest in a case registered for the offence punishable under sections 406/420/34 of the Indian Penal Code and section 138 of the NI Act.

3. As per the prosecution case, informant gave Rs.48 lacs to the petitioner and entered into agreement on 17.4.2017 with assurance to return money within two months for which petitioner handed over some cheque to the informant which got dishonored when presented by the informant in the bank.

4. Learned counsel appearing for the petitioner denies the allegation and submits that the petitioner has already transferred the entire amount in the account of the informant and his brother as Rs.25 lacs + 13 lacs= Rs.38 lacs and cash Rs.6



lacs by which total 44 lacs of rupees was returned and when petitioner demanded his money from the informant this false case was lodged. Entire money transaction took place during business and at best dispute is regarding accounting, which is primarily civil in nature.

5. Learned counsel for the State as well as the opposite party no.2 oppose the prayer for bail.

6. Considering the aforesaid facts of the case and nature of dispute, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate XIV, Patna in Gardanibagh Police Station Case No. 398/2021, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

