

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55480 of 2024

Arising Out of PS. Case No.-2772 Year-2018 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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GOPI SAH S/O LATE PURUSHOTAM SAH R/O VILLAGE-
JHAMANGANJ, P.S- JANDAHA, DISTT.- VAISHALI.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. UMESH KUMAR JIASWAL S/O LATE RAM BABU CHAUDHARY R/O
VILLAGE- MAHINDWARA, P.S- MAHNAR, DISTT.- VAISHALI.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Shanti Bhushan Singh, Advocate
For the State	:	Mr. Abhay Kumar Roy, APP
For O.P. No.2	:	Mr. Vasant Vikas, Advocate
		Mr. Saroj Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 24-06-2025 Heard learned counsel for the petitioner, learned

APP for the State and learned counsel for the

complainant/opposite party no.2.

2. The petitioner apprehends his arrest under

Section 420 of the Indian Penal Code and Section 138 of

the Negotiable Instrument Act.

3. The present case arises out of a complaint

petition. The petitioner and the complainant were closed

friends and, as a matter of fact, the complainant runs a

non-banking company. A sum of Rs.5,00,000/- was given

to the petitioner and, in lieu thereof, the petitioner had



given blank cheque as security, which was, subsequently, misused by the complainant by putting an amount of Rs.5 lakhs.

4. By order dated 29.01.2025, with consent of the parties, the matter was sent to the Patna High Court Mediation and Conciliation Center for amicable settlement between the parties but the said process has failed.

5. It is submitted by learned counsel for the petitioner that the complaint case and the statement of the complainant on S.A. shows that an amount of Rs.5 lakhs was paid to the petitioner in cash but there is no chit of paper or any documentary evidence in proof of the said payment. However, in order to show his *bona fide*, the petitioner is still agreeable to give an amount of Rs.1.50 lakhs to the complainant on the assertion that this is the only amount due at his end to be paid to be complainant. With payment of this amount, according to the petitioner, there is no other grievance left behind the complainant.

6. *Per contra*, learned counsel for the complainant submits that the amount of Rs.5 lakhs is due to the petitioner and the cheque given by him also bounced, for



which cognizance has been taken under Section 420 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

7. Taking into consideration the fact that the matter relates to money transaction and the petitioner is showing *bona fide* by returning Rs.1.50 lakhs to the complainant, I am inclined to grant privilege of provisional bail to the petitioner. The petitioner would pay a sum of Rs.50,000/- as first installment at the time of furnishing his bail bonds and would show/file a receipt thereof of such payment to the complainant. In the next two months, the petitioner would be paying the two installments of Rs.50,000/- each.

7. In such view of the matter, let the above named petitioner, be released on bail provisionally, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No.2772 of 2018, subject to the condition as laid



down under Section 438 (2) of the Cr.P.C.

8. The learned Court below is directed to confirm the bail bonds of the petitioner after payment of last two installments of Rs.50,000/- each.

(Soni Shrivastava, J.)

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