

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61781 of 2024

Arising Out of PS. Case No.-1862 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Chandan Kumar son of Amar Sah @ Amarnath Sah, R/o Village- Amwa Tola,
Siswa West, PS- Banjaria, Dist- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Saifun Nesha wife of Kapil Ahmad, R/o Village- Siswa East Shahabad,
Ward No. 14, PS- Banjaria, Dist- East Champaran.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ramchandra Sahni, Advocate
For the Opposite Party : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 18-01-2025 Heard Mr. Ramchandra Sahni, the learned counsel
- for the petitioner, the learned counsel counsel appearing on
- behalf of complainant / opposite party no. 2 and Mr. Kalyan
- Shankar, the learned Additional Public Prosecutor for the State.
2. The petitioner is apprehending his arrest in
- connection with T.R. No. 3439 of 2024, Enquiry No. 312 of
- 2023, arising out of Complaint Case No. C-1862 of 2023,
- registered for the offences punishable under Sections 420 and
- 504 of the Indian Penal Code.
3. According to the prosecution case, Rs. 37,930/-
- (Rupees thirty-seven thousand nine hundred and thirty only)
- was credited in the account of the complainant, but the



petitioner, who runs the Airtel Payment Bank, denied the same and also took thumb impression of the complainant on blank withdrawn forms multiple times. It is further alleged that the petitioner has withdrawn Rs. 37,930/- (Rupees thirty-seven thousand nine hundred and thirty only) fraudulently from the account of the complainant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is owner of the CSP and as per allegation in the complaint petition, the petitioner has transferred Rs. 37,932/- (Rupees thirty-seven thousand nine hundred and thirty-two only) from the account of the complainant. He further submits that from bare perusal of the Annexure-2, it appears that the said amount was transferred through the UPI mode and petitioner is not concerned at all with the aforesaid transaction. Apart from that, *vide* order dated 11.09.2024, notice was issued to the opposite party no. 2, but despite of valid service of notice, she chose not to appear before this Court.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, where the case is pending in connection with **T.R. No. 3439 of 2024, Enquiry No. 312 of 2023, arising out of Complaint Case No. C-1862 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial



Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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