

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64957 of 2024

Arising Out of PS. Case No.-229 Year-2022 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Chandan Kumar son of Surendra Prasad village -Khairvi, P.S. - Bathnaha,
Dist. - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Sakal Singh Son of Bathu Singh village- Hariharpur, Ward no. 10, po-
Ramnagra, Ps- Riga, Dist- Sitamarhi

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 10-04-2025 Heard learned Counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the Informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420,
467, 468, 504, 120(B) and 34 of the I.P.C.

3. The prosecution case, as per the complainant, is
that he had given an amount of rupees four lakhs to the accused
petitioner, who is in the business of sale and purchase of land,
and another amount of Rs. 32,000/- through cheque with the
promise that the petitioner would return the same amount within
one month, for which an agreement was made. When the

petitioner did not pay the amount back to the complainant, the present case came to be lodged as the petitioner also indulged in abuse and assault.

4. Learned counsel for the petitioner submits that the perusal of the complaint itself would go to show that the amount of rupees four lakhs was given in cash, and it is only Rs. 32,000/- with regard to which it is said that the said payment was made by way of cheque. He also invites the attention of this Court to the statement of the complainant on solemn affirmation, wherein it is stated that the complainant never went to the police station and that there was no documentation of money transaction. However, it has been stated in the said statement that Rs. 32,000/- was given through cheque.

5. At this juncture, the learned counsel for the petitioner also makes an offer to make the payment of Rs. 32,000/- which is said to have been paid to him by the informant by way of cheque.

6. Learned APP for the State opposes the prayer for anticipatory bail application.

7. Considering the same and also considering that the cognizance of this case has only been taken under Sections 406 and 420 of the I.P.C., I am inclined to grant the privilege of

anticipatory bail to the petitioner on the ground of the offer made by him to return the amount of Rs. 32,000/- which would be done before furnishing of the bail bonds. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM VI in connection with Compliant Case No.- C1-229 of 2022, Trial No. 1848 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023.

(Soni Shrivastava, J)

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