

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68176 of 2023

Arising Out of PS. Case No.-113 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Gaurav Kumar Son Of Anil Kumar Resident Of Banksmens Colony,
Chitragupta Nagar, P.S- Lohia Nagar, P.S- Patrakar Nagar, District- Patna-20

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt Ranjana Kumari W/o Sri Sanjeev Kumar Suman Resident of Teachers Colony, Chitragupta Nagar, P.S. Patrakar Nagar, District Patna
3. Baivaw. Mishra Son of Shri Ram Naresh Mishra Resident of House No. 1076, C 19, Road No. 1, Bijay Nagar, Hanuman Nagar, Police Station- Patrakar Nagar, District-Patna
4. Kotak Mahindra Bank Through Branch Manager Lic/25, Doctors Colony, Lohiya Nagar, Kankarbagh Branch, Patna-800020

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Prem Ranjan Raj, Adv.
For the State	:	Mr. Kumar Ranjit Ranjan, APP
For the O. P. No. 2	:	Mr. Harish Kumar, Adv.
For the O.P. No. 4	:	Mr. Ravi Shankar Roy, Adv.

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

10 24-03-2025 In pursuance to the earlier order dated 05.03.2025,

both the parties appeared with their respective learned counsel

in Chambers proceeding.

2. Heard the parties.

3. The petitioner is apprehending his arrest in connection with Complaint Case No. 113 of 2022 for the offence under Sections 420, 406 of the Indian Penal Code and 138 of N.I. Act.

4. As per the complaint case, allegation against the



petitioner is that he along with co-accused, who is his partner and runs a company which deals in purchasing and selling of property and on their persuasion the complainant became ready to purchase a flat and they took more than Rs. 11,00,000/- (eleven lakhs) but did not execute agreement to sale in her favour. Later on she came to know that there is some legal dispute in completing such project and when she asked to return the money, they issued cheque which was dishonored, then this complaint case was filed.

5. Learned counsel for the petitioner submits that the petitioner is quite innocent and has committed no offence and has falsely been implicated in this case with the motive to grab the money and property from the petitioner. On bare perusal of complaint it will transpires prima-facie that the allegations as alleged in the complaint is vague and concocted. He further submits that a partnership firm was created by the petitioner and Baivaw Mishra (opposite party no. 3) for carrying the business of Services and Consultancy (Legal and Accountancy) in the name of Federal Associates on 01.10.2017, as the petitioner is a legal practitioner and O. P. No. 3 is Chartered Accountant. Moreover, flat in issue is co-owned by both and was for the purpose of office of the partnership firm. Allegation against the



firm is after July 2019, the date from which the petitioner was never the partner of the firm.

6. Learned Additional Public Prosecutor opposes the prayer of anticipatory bail.

7. During course of argument learned counsel for both the parties submits that both parties are on agreement with this fact that petitioner, Gaurav Kumar have an onus to pay Rs. 5,50,000/- in which Rs. 50,000/- has already been paid by him. So far as rest amount of Rs. 5,00,000 is concerned, presently, petitioner is ready to pay Rs. 3,00,000/- (three lakhs) through two cheques. First cheque of Rs. 2,00,000/- (two lakh) bearing cheque no. 536191 dated 01.03.2025 will be payable in the first week of March, 2025 and second cheque of Rs. 1,00,000/- (one lakhs) bearing cheque no. 536192 dated 01.03.2026 will be payable in the March, 2026. The petitioner is also ready to pay the rest amount or Rs. 2,00,000/- (two lakh) till December, 2026 through cheque and complainant will withdraw this case at the time of payment of rest amount of Rs. 2,00,000/- (two lakhs). Accordingly, the entire dispute between the complainant and Gaurav Kumar will be ended.

8. Keeping in view the aforesaid facts and considering the amicable settlement between the parties in the above terms



and conditions, let the petitioner be enlarged on anticipatory bail **provisionally** till December, 2026 in the event of arrest or surrender within a period of four weeks from the receipt/production of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M., Patna in connection with Complaint Case No. Complaint Case No. 113 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

prabhakar/-

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