

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82643 of 2024

Arising Out of PS. Case No.-365 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Akhilesh Kumar Son of Late Sahjanand Singh Resident of Village- Shikarpur,
Usri Shikpur, Police Station- Shahpur, District- Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dashrath Mahto Son of Bakhori Mahto Resident of Saguna Devichaura,
P.S.- Danapur, Distt.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh

For the Opposite Party/s : Mr.Nand Kishore Prasad

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 08-07-2025 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the opposite party no. 2.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 420, 406,
120 of the Indian Penal Code and Section 138 of the N.I. Act.

3. Allegation in the complaint is that the petitioner had
taken an amount of Rs. 8,00,000/- for the purposes of
transferring a land in favour of the complainant which was
never done. Further, the petitioner had even given a cheque of
Rs. 8,00,000/- to the complainant which bounced.

4. Learned counsel for the petitioner, at the outset,



submits that the whole story of payment of Rs. 8,00,000/- to the petitioner by the opposite party no. 2 is not correct and in this regard the attention of this Court is invited to the agreement to sale which has been annexed as Annexure-P/2 which is self explanatory that an amount of Rs. 2,00,000/- had only been given to the petitioner. Further, the story of payment of cheque worth Rs. 8,00,000/- is also not substantiated in view of the fact that there is no cognizance under Section 138 of the N.I. Act. It has also been submitted on behalf of the petitioner that he is ready to pay back Rs. 2,00,000/- which was taken by him.

5. Learned counsel for the opposite party no. 2, however, controverts the submissions of the petitioner and stands by the allegations made in the complaint that an amount of Rs. 8,00,000/- had been given to the petitioner by the complainant. It has also been submitted that the petitioner has criminal antecedent of similar nature.

6. Taking the rival contentions into consideration and also considering the fact that the petitioner is ready to pay an amount of Rs. 2,00,000/- as indicated in the agreement to sell, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged **on provisional bail for a period**



of three months on furnishing bail bond 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. 365(c) of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., upon the agreed payment of 1st installment of Rs. 50,000/-.

7. Learned court below is directed to accept the bail bonds of the petitioner upon proof of payment of Rs. 50,000/- as the first installment. Further, the rest of the amount would be paid in three equal installments within a period of three months and the provisional bail granted to the petitioner would stand confirmed on the proof of payment of the entire amount of money which is Rs. 2,00,000/-.

(Soni Shrivastava, J)

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