

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47464 of 2025

Arising Out of PS. Case No.-141 Year-2022 Thana- ABADPUR District- Katihar

Suraj Kumar Son of Ramanand Prasad R/O Sadakat Ashram, P.S.- Digha,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar, Patna
2. Anwar Alam S/o- Late Abdul Kashim Vill - Berakhori P.S. - Abadpur Block -
Barsoi Distt. - Katihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Hridayal Kumar, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Suresh Prasad Sah, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 21-01-2026 Heard Mr. Hridayal Kumar, learned counsel for the

petitioner and Mr. Suresh Prasad Sah, learned counsel for the

informant beside Mr. Jitendra Kumar Singh, learned APP for

the State.

2. The petitioner is apprehending arrest in
connection with Abadpur P.S. Case No. 141 of 2022 instituted
under Sections 406, 420 and 34 of the Indian Penal Code and
section 138 of the Negotiable Instrument Act lodged on
08.09.2022 by the informant, Anwar Alam.



3. As per the prosecution story, the informant alleged that building construction materials were taken worth Rs. 11,90,535/- but the intention to cheat was always there and as such after payment of Rs.4,50,000/-, a cheque of Rs. 6,00,000/- was given which bounced on 13.07.2022. As he chose to look the other way, the FIR.

4. In this case, the coordinate bench after appearance of the opposite party no.2 sent the matter to the Mediation Centre but the mediator's report dated 09.01.2026 shows that on 24.11.2025 (wrongly recorded as 24.11.2026), 10.12.2025 and 09.01.2026, the petitioner chose not to come despite interim protection granted to him on 31.07.2025.

5. Considering the conduct of the petitioner of firstly giving a cheque which bounced and later, despite long rope given by the Court/Mediator, chose not to appear on three consecutive dates, this Court at first instance wanted to reject the anticipatory bail application.

6. However, learned counsel for the petitioner on instruction submits that he is ready to pay Rs.5,00,000/- (five lac) to the informant (out of Rs.6,00,000/-) in the following manner:

(i) Rs.1,00,000/- at the time of execution



of bail bond;

(ii) Rs.1,00,000/- by 5th of March, 2026;

(iii) Rs.1,00,000/- by 5th of April, 2026;

(iv) Rs.1,00,000/- by 5th of May, 2026;

(v) Rs.1,00,000/- by 5th of June, 2026.

7. The further submission is that failure by the petitioner to abide by the aforesaid undertaking, if relief is granted, the opposite party shall be free to take steps for cancellation of bail bond.

8. Learned counsel for the opposite party no.2 on the other hand submits that the materials were taken in the year 2022, a cheque was issued on 20.05.2022 and the petitioner is playing hide and seek game which forced him to oppose the present anticipatory bail. However, now that he has given an undertaking to pay the amount, reserving his right to file appropriate petition including cancellation of bail bond, if the petitioner fails to abide by the undertaking, for the present, the informant is not opposing the prayer for bail.

9. Taking into account the aforesaid facts as also the undertaking that the petitioner has given and despite this Court having reservation on the conduct of the petitioner, is



inclined to extend relief to the petitioner subject to the payment of Rs.5,00,000/- as recorded above in paragraph 6 of the petition.

10. Let the petitioner be released on bail, in the event of his arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Abadpur P.S. Case No. 141 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate, Katihar subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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