

GAHC010154292023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/2471/2023

BHAGAWAN NAND JHA
S/O GIRINDRA KISHOR JHA
R/O VILL- MILAN NAGAR PATH
DATALPARA
P.O. AND P.S. FATASIL AMBARI
DIST. KAMRUP (M), ASSAM
PIN-781025

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR Z HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

27.09.2023

Heard Mr. Z. Hussain, learned counsel for the applicant and Mr. K.K. Parasar, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Rangia PS Case No. 372/2023**, under Sections 420/406 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely,

Bhagawan Nand Jha for grant of pre-arrest bail.

3. The said case was registered on the basis of an FIR lodged by one Syed Nadiruz Zaman, on 02.07.2023. The essence of allegations made in the FIR is that Bhagawan Nand Jha and Sonu Jha, being the proprietor of Satya Advertising and Marketing have taken a sum of Rs. 4,80,000/- from the informant, promising to return the same within a month, but they have failed to return the same in time and they have issued two cheques, bearing registration Nos. 998646 and 998647 of State Bank of India and when the same were presented before the bank, the same returned unpaid, due to insufficient balance.

4. Mr. Hussain, learned counsel for the applicant submits that pursuant to the order of this court dated 21.07.2023, the applicant had appeared before the IO and his statement is recorded and he has been co-operating with the Investigating Agency and therefore, it is contended to make the interim order, dated 21.07.2023, absolute in the same terms and conditions.

5. On the other Mr. Parasar, learned Additional Public Prosecutor by producing the case diary before this court, submits that the applicant had appeared before the IO and his statement is recorded and that basically the dispute is civil dispute, between the applicant and the informant and that the IO has examined some witnesses and also seized relevant documents and materials.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. Having regards to the submissions of learned counsel for both the parties and also considering the fact that material part of investigation is over and that the applicant has been cooperating with the investigation agency, his custodial

interrogation seems to be unwarranted here in this case. Therefore, this court is inclined to make the interim order dated **21.07.2023**, absolute in the same terms and condition.

8. In terms of above this AB stands disposed of.

9. The case diary be returned.

10. Pursuant to the order of this Court, dated 19.09.2023, the Officer In-Charge of Rangia PS has entered appearance and his personal appearance is dispensed with.

JUDGE

Comparing Assistant