

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2392 of 2015

Arising Out of PS.Case No. -129 Year- 2014 Thana -SHEKHPURA District- SEKHPURA

1. Harihar Prasad S/o Late Dham Prasad resident of village - Kare, P.O.
AND P.S. Sheikhpura at present Accountant, SBI Sheikhpura Branch,
District - Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Kumar Tiwary

For the Opposite Party/s : Mr. S.D.Singh Yadav(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 02-07-2015 Heard learned counsel for the petitioner,

learned Additional Public Prosecutor for the State and

learned counsel appearing for the informant.

The petitioner apprehends his arrest in
connection with Sheikhpura P.S. Case No. 129 of 2014
registered under Sections-420, 406, 409, 504, 506/34 of
the Indian Penal Code.

Admittedly, at the relevant time, the petitioner
was accountant in the State Bank of India, Chandani
Chowk, Sheikhpura and he cleared the cheque of the
informant even after getting application for cancellation of
aforesaid cheque.



Learned counsel, appearing for the petitioner submits that at the relevant time, the petitioner was under an acute mental pressure as his two children were admitted in hospital and unfortunately, mother of the petitioner also died at the same time and therefore, in the aforesaid mental pressure, he could not cancel the cheque, issued by the informant and at best, it is a case of dereliction of duty. It is, however, contended by him that even if, it assumed that the petitioner cleared the cheque, in question, then also, the petitioner is ready to give a cheque of Rs. 25,000/- (twenty five thousand) to the informant.

Learned counsel, appearing for the informant does not raise any objection to accept the cheque, given by the petitioner in the name of informant but he raises suspicion about the genuineness of the aforesaid cheque.

Learned counsel for the petitioner produced a cheque of Rs. 25,000/- bearing Cheque No. 93672 dated 02-07-2015 in the name of informant, which was received by learned counsel for the informant in the court itself.

Considering the facts and circumstances of the case as well as submission of the parties, let the petitioner named above, in the event of his arrest or surrender within

four weeks from the date of receipt/production of copy of the order in the court below, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Sheikhpura P.S. Case No. 129 of 2014 to the satisfaction of Learned Chief Judicial Magistrate, Sheikhpura subject to conditions as laid down u/S 438(2) of the Code of Criminal Procedure.

Furthermore, it is made clear that if, the cheque, given by the petitioner in the name of the informant becomes bounced on account of any reason, except due to non-presentation of the cheque within time, the learned court below shall cancel the bail bonds of the petitioner and the informant shall be at liberty to lodge a fresh criminal case of cheque bouncing against the petitioner.

(Hemant Kumar Srivastava, J)

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