

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Criminal Miscellaneous No.47043 of 2014

Arising Out of PS.Case No. -90 Year- 2014 Thana -CHARPOKHARI District- BHOJPUR

1. Rajendra Kumar Sah @ Rajendra Kumar Shaw, Son of Kashinath Shah  
2. Kashinath Sah @ Kashinath Shaw, son of late Kedarnath Shah  
Both resident of Village- Kulti , P.O & P.S.- Kulti, District- Burdwan,  
West Bengal.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

with

Criminal Miscellaneous No.8775 of 2015

Arising Out of PS.Case No. -90 Year- 2014 Thana -CHARPOKHARI District- BHOJPUR

Bharat Prasad Son of Late Raghunath Prasad resident of Village- Omraj  
Apartment , Flat No. 203, Jamal Road, P.s. - Gandhi Maidan, District-  
Patna.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

Appearance :

(In Cr.Misc. No.47043 of 2014)

For the Petitioner/s : Mr. Arun Kumar, Advocate.

For the State : Mr. Surendra Kumar (App)

For the informant : Mr. Sumeet Kr.Singh, Advocate.

(In Cr.Misc. No.8775 of 2015)

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey

For the State : Mr. Surendra Kumar (App)

For the informant : Mr. Sumeet Kr.Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA  
ORAL ORDER

2 30-04-2015 Heard learned counsel for the parties.

2. In both these applications for anticipatory bail, the  
two petitioners namely Rajendra Kumar Sah and Kashi Nath Sah,

facing prosecution for offence under Sections 406/420 of the Indian Penal Code, have ultimately realized that the amount which was payable by them to the complainant, on account of cheque payment made by them will have to be refunded if they want privilege of anticipatory bail.

3. Learned counsel appearing on behalf of the petitioners namely Rajendra Kumar Sah @ Rajendra Kumar Shaw and Kashinath Sah @ Kashinath Shaw (in Cr. Misc. No. 47043/2014), therefore, have agreed that a sum of Rs. 2 lacs shall be refunded by the petitioner no. 2, the father of petitioner no. 1 to the informant Sanjay Kumar by a demand draft within a period of six weeks from today.

4. That being so, if the petitioners namely Rajendra Kumar Sah @ Rajendra Kumar Shaw and Kashinath Sah @ Kashinath Shaw surrender within a period of six weeks from today and furnish proof of payment of the aforementioned amount of Rs. 2 lacs by bank draft payable in the name of the informant, they shall be released on bail on furnishing bail bonds Rs. 10,000/- each with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Arrah in connection with Charpokhari P.S. Case No. 90 of 2014 subject to the following conditions:



(i) That both the bailors will be close family relatives of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the addresses of the petitioners.

(ii) That the affidavit shall clearly state that the petitioners are not accused in any other case and if they are, they shall not be released on bail.

(iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of their bail on the ground of misuse.

(iv) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

5. Learned counsel appearing on behalf of the petitioner Bharat Prasad (in Cr.Misc. No. 8775 of 2015), has submitted that the petitioner, Bharat Prasad is not liable to pay the amount of Rs. 8 lacs as he has already paid such amount. This court however cannot accept such plea for the reason that ten cheques of Rs. one lac each was issued by the petitioner Bharat Prasad in the name of the informant the owner of the vehicle but he having allowed the payment of two cheques worth Rs. two lacs had stopped payment of remaining eight cheques issued by him which prima facie would constitute the offence of cheating. Thus the prayer for anticipatory bail of the petitioner, namely, Bharat Prasad (in Cr.Misc. No. 8775 of 2015) is hereby rejected.

**(Mihir Kumar Jha, J)**

Sujit/-

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