

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5198 of 2017

Arising Out of PS.Case No. -135 Year- 2016 Thana -SALIMPUR District- PATNA

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1. Anil Singh, S/o Bhuneshwar Singh, R/o vill. - Bahadurpur, P.S. Salimpur, Distt. - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Smt. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 10-04-2017 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Salimpur P.S. Case No. 135 of 2016 registered for the offences punishable under Sections 406, 420 of the Indian Penal Code and Section 138 of N.I. Act.

Allegedly, the petitioner took Rs. 10,00000/- for doing business from the informant and when the informant demanded the said money the petitioner started abusing, however local people intervened into the matter and then the petitioner issued a cheque of Rs. 5,00000/- and assured to pay Rs. 5,00000/- later on but the cheque of Rs. 5,00000/- was bounced.



Submission is of false implication and that no offence under Sections 406 and 420 IPC is made out. At best it can be a case under Section 138 N.I. Act and it is bailable. The allegation that the informant paid Rs. 10,00,000/- is not correct which is apparent from para-43 of the case diary. The petitioner without any fault is suffering in custody since 20.12.2016. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioner has committed breach of trust as well as cheating and he wants to grab the entire amount of the informant.

In the facts and circumstances stated above, considering the custody of the petitioner and further that there is no chance of tampering with the prosecution evidence and, as such, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge, 4th-cum-ACJM, Barh in connection with Salimpur P.S. Case No. 135 of 2016 subject to the conditions that one of the bailors must be near relative and another having sufficient



immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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