

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15534 of 2018

Arising Out of PS.Case No. -782 Year- 2017 Thana -DANAPUR District- PATNA

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1. Praveen Kumar Son of Sri Maheshwari Prasad Singh Resident of Village-
Vidyanand Maheswari Complex, Sudha Dairy Booth Road, Mangalam
Vihar, Saguna More, Bailey Road, P.S.- Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nirbhay Kumar Singh

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 20-03-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 420, 406, 341, 323, 504, 506/34 of
the Indian Penal Code and Section 138 of the Negotiable Instrument
Act.

According to FIR, the informant had advanced
friendly loan to the petitioner in two installments. The petitioner did not
refund the same, rather refund cheque issued by the petitioner bounced.

Submission of the learned counsel for the petitioner
is that the petitioner was initially allowed anticipatory bail by the
learned court below itself for the reason that the petitioner had admitted
receipt of Rs.55,00,000/- from the informant and had already refunded
the same. Moreover, each and every non-refund of loan does not create
mischief of dishonest intention on the inception of agreement. The



offence under Section 138 of the Negotiable Instrument Act is bailable one.

On the other hand, learned counsel for the informant opposed the prayer for bail on the ground of criminal antecedent of the petitioner of similar natures lodged by different persons including the informant of this case. He further opposed the prayer on the ground that the petitioner has suppressed the reality by stating that the petitioner is on bail in all those cases. Whereas in most of the cases bail bond has been cancelled by the court concerned for non-fulfillment of the condition of bail by the petitioner.

Considering the nature of allegation in this case, in my view, the petitioner deserves bail, hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Danapur Police Station Case No. 782 of 2017, subject to the condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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