

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47238 of 2018

Arising Out of PS. Case No.-241 Year-2018 Thana- BANKA District- Banka

Pradeep Sharma S/o Late Fuleshwar Sharma aged about 45 years resident of
Village- Harpur, P.O.- Kakwara, P.S.+ District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Sager Sharma

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 29-08-2018 Heard learned counsel for the petitioner , learned APP for
the State and learned counsel for the informant.

Petitioner apprehends his arrest in connection with Banka
P. S. Case No. 241 of 2018 instituted for the offence under
Section(s) 406,419,420,467 and 468 of the Indian Penal Code.

It is alleged in the written report that the informant and
petitioner were known to each other. It is further alleged that on
11.7.2017 for the construction of his house petitioner made
demand of Rs. 2,50,000/- which was paid by the informant and
in lieu of the same, the petitioner gave five cheques of Rs.
50,000/- each on the condition that if the petitioner will not
return till 30.11.17 then the informant can withdraw the same
from Bank. The petitioner did not return the same amount and
assaulted the informant and when the informant deposited two



cheques in the Bank as mentioned in the written report, they were returned with endorsement that payment has been stopped.

Learned counsel for the petitioner has submitted that he has returned the amount of the informant . Photo copy of deposit receipt of Bank is annexed as Annexure-4 to the bail petition in order to show that he has deposited the amount in the account of the informant. He has further submitted that he has requested the informant to return his blank cheques but the informant did not return the aforesaid cheques and gave threat. Thereafter, the petitioner had filed FIR vide Banka P.S. case no. 803 of 2017 against the petitioner (Annexure-2). Learned counsel for the petitioner has submitted that he has given the blank cheques to the informant. Photo copies of the blank cheques are annexed as Annexure-3 to the bail petition. The counsel for petitioner has submitted that from perusal of cheque enclosed with written report it will appear that informant has written the name on the cheque with his own pen. The petitioner has directed the Bank to stop payment when he has apprehension that informant will misuse the cheque.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event



of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Banka P. S. Case No. 241 of 2018, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Banka, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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