

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3110 of 2018

Arising Out of PS.Case No. -304 Year- 2017 Thana -BUDDHACOLONY District- PATNA

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Bhagirath Sharma, Son of Satya Narayan Sharma, resident of B- 406,
Pushpanjali Apartment, North Mandiri, P.S.- Buddha Colony, Town &
Distt. Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Srivastava, Advocate.

For the Opposite Party/s : Mr. Vinod Shankar Modi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 17-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Buddha Colony P.S. Case No. 304 of 2017** instituted for the offence under Sections 406, 420/34 of the Indian Penal Code and Section 138 of N.I. Act.

Learned counsel for the petitioner has submitted that petitioner has taken loan of Rs.50,000/- from the informant by cheque, and as interest, he has made payment of Rs.728/- every day for five days in a week for about one and half months as mentioned in the written report itself. It has further been submitted that two blank cheques have been given to the informant by the petitioner as security and the amount which has been filled in those Cheques is not in the handwriting of this petitioner.



Learned counsel for the informant has submitted that Rs.50,000/- by cheque and Rs.1,50,000/- in cash was given by him to the petitioner. The younger brother of the informant has given cash of Rs.70,000/-, but there is no document to support that any cash has been paid by the informant and his brother to the petitioner. The cheque has been enclosed in the written report which shows that cheque bears the handwriting of the petitioner whereas the amount has been filled in different handwriting.

In such circumstances, all these things will be looked in the trial.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Buddha Colony P.S. Case No. 304 of 2017**, 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 **Smt. Ritu Kumari, learned Judicial Magistrate, 1st Class, Patna**, 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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.

S.Ali/-

(Sanjay Priya, J)

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