

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76189 of 2018

Arising Out of PS. Case No.-234 Year-2018 Thana- PIRO District- Bhojpur

=====

Pashuram Singh @ Parshuram Singh, son of Late Ganga Singh, resident of
Village- Piro, Ward No. 10, Police Station- Piro, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ramashray Roy
For the Opposite Party/s : Mr.Sri Anant Kumar

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection
with Piro P.S. Case No. 234 of 2018 registered for the offences
punishable under Sections 341, 323, 379 and 504/34 of the
Indian Penal Code and Section 138 of N.I. Act.

Learned counsel for the petitioner submits that son of
the petitioner is the sole proprietor of the firm to whom the
money was advanced by the informant. It is further stated that
his son Roshan Kumar had issued a cheque of Rs.15,00,000/- on
02.06.2018 which stood dishonoured on presentation for want of
sufficient fund. Learned counsel further points out that in the
First Information Report it is stated that on 16.07.2018 when the
informant had gone to the house of the petitioner to demand his



money, this petitioner along with his son had abused him and then took out a golden chain of 3½ Bhar, but according to the learned counsel if legal notice dated 21.06.2018 as contained in Annexure-2 is seen it may be easily found that in his legal notice issued as back as on 21.06.2018 he had stated that when the informant had gone to the house of the Roshan Kumar to whom the notice was issued then he (Roshan Kumar) had committed assault and his father (petitioner) had taken out a golden chain. Learned counsel submits that in fact what is alleged to have taken place on 16.07.2018 has been described in legal notice dated 21.06.2018 which clearly shows that case of false implication was prepared. It is further submitted that so far as this petitioner is concerned, he is neither owner of the firm nor had issued the cheque which stood dishonoured.

Learned counsel for the informant has opposed the prayer for anticipatory bail as according to him the petitioner is father of said Roshan Kumar and is involved in the business and had participated in the alleged occurrence.

Considering the facts and circumstances of the case where it is submitted that the petitioner is not signatory of the cheque which stood dishonoured and then Annexure-2 which is a legal notice dated 21.06.2018 shows that the allegations which



are said to have taken place on 16.07.2018 was mentioned in the legal notice long back, this Court finds that the privilege of anticipatory bail be allowed to the petitioner. Accordingly, in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner shall be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Bhojpur at Ara in connection with Piro P.S. Case No. 234 of 2018, subject to the condition that petitioner shall join the investigation by reporting to the Investigating Officer within a period of three weeks from today and shall cooperate in course of investigation, failing which the Investigating Officer shall be at liberty to take steps for cancellation of his bail bond. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

