

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34529 of 2019

Arising Out of PS. Case No.-140 Year-2019 Thana- KHAGARIA District- Khagaria

Niraj Kumar Bhagat, Son of Bidyanand Bhagat @ Vidyanand Prasad,
Resident of Village - Sansarpur Ramganj, P.S.- Muffasil, Distt - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 07-08-2019 This is an application for grant of anticipatory bail in connection with Khagaria P.S. Case No. 140 of 2019, disclosing offences under Sections 403, 420 and 406 of IPC.

Prosecution case in short is that the informant is Ward Member and Chairman and Archana Kumari is the Secretary of Managing Committee, Gram Panchayat Raj, Harinmar, Munger and they have got account in Gramin Bank, Rampur Gorgi Branch having Account No. 35160110128117. It is also alleged that one cheque bearing Cheque No.192683 having their signatures and sealed, was lost in Khagaria Market and somebody has encashed the cheque on 01.02.2019 and withdrawn Rs.3,01,000/-. After enquiry from the bank, it appears that petitioner has misused the cheque and withdrawn the amount. It is also alleged that when he asked the petitioner, why he has done that he promised to return the amount, but



thereafter, he closed his shop and fled away.

Submission of the learned counsel for the petitioner is that as a matter of fact, petitioner is supplier and he has supplied various articles in the scheme, for which, the cheque was given to the petitioner, however, after encashing of the cheque, petitioner and others were demanding cut amount from that and as he has not given the cut amount and he has been implicated in this case. It has also been submitted that no offence is made out either under Sectionh 406 or 420 of IPC at behest. It may amount to offence under Section 403 of IPC which is bailable.

Heard learned A.P.P. as well as learned counsel for the opposite party no.2 also, they have opposed the prayer for anticipatory bail on the ground that there is no materials available on the record to support the defence taken by the petitioner. He has encashed the cheque, which was lost and as such, he is not entitled for grant of anticipatory bail.

Having heard both sides, considering the above submission, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned



C.J.M. Khagaria, in connection with Khagaria P.S. Case No. 140
of 2019, subject to the condition laid down under Section 438(2)
of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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