

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38244 of 2019**

Arising Out of PS. Case No.-210 Year-2017 Thana- CHHATAUNI District-
East Champaran

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Nawal Prasad @ Nawal Kishore Pd., aged about 71 years, male, S/O
Anirudhya Prasad Resident of Mohalla- Bailley Sarai, Motihari, P.S.-
Motihari (Town), District- East Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Akhileshwar Kumar Shrivastva, Adv.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 27-06-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 406, 420 of the Indian Penal Code and
Section 138 of the N.I. Act registered in connection with
Chhatauni P.S. Case No. 210 of 2017.

3. It is submitted that the petitioner has been falsely
implicated merely because he happens to be the father of co-
accused Dhiraj Srivastava who is said to have issued the cheque
of Rs. 10,00,000/- refunding the advanced made by the informant
for purchase of land standing in the name of the wife of the said
co-accused Dhiraj Srivastava. It is submitted that the provision of
Section 138 N.I. Act are therefore not attracted against the
petitioner. It is submitted that the petitioner had no role to play
in the entire transaction. The petitioner is aged about 71 years
and claims clean antecedents. The petitioner has subsequently
been made accused in Motihari (Town) P.S. Case No. 369 of 2017



in which he has been granted anticipatory bail in Cr. Misc. No. 30398 of 2019.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Chhatauni P.S. Case No. 210 of 2017, G.R. No. 5201 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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