

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66976 of 2018

Arising Out of PS. Case No.-2907 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Govind Lal, Son of Krishna Shah
 2. Sunita Devi, Wife of Govind Lal
- Both are Resident of Village - Harnichak, Mahuli Tola, P.S. Phulwari Sharif,
P.O. Anishabad, District -Patna

... .. Petitioners

Versus

1. The State Of Bihar.
2. Tej Narayan Sinha Son of Late Bal Krishna Prasad Resident of Village-
Harnichak P.S. Beur, District -Patna

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Abhay Kumar Thakur, Advocate
For the State	:	Mr. Satya Nand Shukla, APP
For Opposite Party No. 2:	:	Mr. Manish Kumar No. 2, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 01-02-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 406 and 420 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act registered in connection with Complaint Case No. 2907 (C) of 2016.

3. It is submitted that the petitioners have been falsely implicated as the petitioner no. 2 has not issued any cheque in question to the complainant. It is stated that an informatory petition no. 1587 of 2016 had been filed on 13.05.2016 before the learned Chief Judicial Magistrate, Patna prior to the date of occurrence informing the loss of cheque. An information was given to the Bank by petitioner no. 2 with request for cancellation of the cheque list and the relevant cheques appearing at serial nos. 1, 4 to 13, 13 to 18, 20 to 25 were destroyed prior to the alleged date of occurrence as evident from the Bank's letter dated 19.09.2018 (Annexure-6). The



petitioners claim clean antecedents.

4. Learned APP assisted by learned counsel for the complainant-opposite party no 2 opposes the anticipatory bail petition and has been heard.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate , 1st Class, Patna in connection with Complaint Case No. 2907 (C) of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

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

(iii) That petitioner no. 2 will be well represented and petitioner no. 1 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, their bail bonds shall be liable to be cancelled by the learned Court concerned.

BT/Chandran

(Vikash Jain, J)

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