

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49574 of 2019**

Arising Out of PS. Case No.-397 Year-2019 Thana- BETTIAH CITY District-
West Champaran

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SHIVENDRA KUMAR JHA @ RAJU JHA Son of Devendra Jha @ Devendra
Kumar Jha Resident of Dhamaura, P.S.- Sathi, District- West Champaran, at
present residing at Bhagwati Nagar Ward No. 36, P.S.- Bettiah Muffasil,
District- West Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 08-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 420, 406 of the Indian Penal Code and
Section 138 N.I. Act registered in connection with Bettiah Town
P.S. Case No. 397 of 2019.

3. It is submitted that the petitioner has been falsely
implicated and the accusations of having accepted Rs. 5,00,000/-
as advance for sale of his land but failed to register the same in
favour of the informant and the cheque for Rs. 5,00,000/- in
repayment given by the petitioner bounced. It is submitted that
the petitioner had neither taken Rs. 5,00,000/- from the
informant nor issued any cheque to him. As a matter of fact, the
cheque book of the petitioner was lost and for which a *sanha* was
lodged on 18.02.2019 (Annexure-2). It is further submitted that
there is inordinate delay in lodging the F.I.R. on 23.05.2019
whereas cause of action arose on 15.03.2019. It is submitted that
even otherwise the dispute between the parties is purely of civil



nature. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant appears and has been heard.

5. 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, West Champaran, Bettiah in connection with Bettiah Town P.S. Case No. 397 of 2019, 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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