

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26189 of 2020

Arising Out of PS. Case No.-910 Year-2019 Thana- PHULWARISHARIF District- Patna

Saroj Kumar, Son of Surendra Ray, Resident of Village- Birra, P.O. and P.S.-
Sarai, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate

For the Opposite Party/s : Mr. Jai Narayan Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-10-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner is apprehending his arrest in connection with Phulwarisharif P.S. Case No.910 of 2019 registered for the offence punishable under Section 420 of the Indian Penal Code and Section 138 of the N.I. Act.

The petitioner and the informant were on good terms



from before. The F.I.R. discloses that certain money was given by the informant to the petitioner for starting a business. The petitioner thereafter has allured the informant to pay Rs.16,00,000/- and in lieu thereof, the petitioner has promised to arrange a Government employment for the informant.

Petitioner's counsel submits that the entire prosecution case is concocted. The allegation of paying Rs.16,00,000/- to the petitioner for arranging a Government employment itself discloses that payment alleged was for an illegal purpose and, therefore, no offence is made out against the petitioner. The F.I.R. does not disclose that any notice as contemplated under the Negotiable Instruments Act has been served.

Learned APP for the State has opposed the prayer for pre-arrest bail. He has submitted that the cheque has bounced and for which the petitioner cannot be escaped from his liability.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on



furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna, in connection with Phulwarisharif P.S. Case No.910 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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