

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24196 of 2020

Arising Out of PS. Case No.-1026 Year-2019 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. Prabhakar Kumar Son of Radheshyam Tiwary Resident of Village- Sagarpur, P.S.- Sakari, District- Madhubani, and
 2. Dipesh Kumar Pankaj Son of Bashishtha Narayan Chaudhary Resident of Village- Raje, P.S.- Manigachhi, District- Darbhanga, present address both C/o- Prahalad Jha, Hajjam Tola, Gola Road, P.S.- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner(s)	:	Mr.Hari Kishore Thakur
For the State	:	Mr.P.K. Pandey,APP
For the Informant	:	Mr.Bhavesh Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 04-11-2020 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant through video conferencing.

The petitioners seek bail in Town P.S. (Sikandarpur O.P.) Case No. 1026 of 2019, registered for the offence under Sections 406, 420 and 120(B) of the Indian Penal Code and Section 138 of N.I. Act.

As per the prosecution case, petitioners took Rs. 12,00,000/- (twelve lacs), as loan, from the informant for doing some business in the month of April-May, 2018 and promised to pay the same in October, 2018. Thereafter, it is alleged that



petitioner no. 1 gave a cheque of Rs. 12,00,000/-, which was dishonored due to insufficiency of fund. It is further alleged that thereafter, a *panchayati* was held and petitioner no. 2 promised to pay the same and handed over a cheque of alleged amount to informant and when informant deposited said cheque in bank, same was returned due to closing of account. It is also alleged that to this effect, informant also sent legal notice to petitioners, but the petitioners did not return him alleged amount.

It is submitted on behalf of petitioners that petitioner no. 1 took friendly loan from the informant, in which, petitioner no. 2 was guarantor, but due to some difference arose between the parties, the informant filed the instant case on false and frivolous allegations. No offence is made out against these petitioners and petitioners are in custody since 19-03-2020. Chargesheet has already been submitted.

However, learned A.P.P. for the State and counsel for the informant have vehemently opposed the bail application and submitted that petitioners are habitual offender and they are accused in one more case of similar nature, for which, learned counsel for the petitioners submits that in that case, petitioners have already been granted bail by the court below itself.

Considering the aforesaid facts and circumstances and



period of custody, the bail application of petitioners is allowed.
Let the above-named petitioners be released on bail on
furnishing bail bonds of Rs. 10,000/- (ten thousand) each with
two sureties of the like amount each to the satisfaction of
learned C.J.M., Muzaffarpur in connection with Town P.S. Case
No. 1026 of 2020 on the following conditions:

“(1) Petitioners shall cooperate in the
trial and shall be properly represented on each
and every date fixed by the Court and shall
remain physically present, as directed by the
Court and on their absence on two consecutive
dates without sufficient reason, their bail-bond
shall be cancelled by the Court below.

(2) If the petitioners tamper with the
evidence or the witnesses, in that case, the
prosecution will be at liberty to move for
cancellation of bail.”.

(Prabhat Kumar Singh, J.)

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