

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30265 of 2020

Arising Out of PS. Case No.-04 Year-2018 Thana- CHAKAND District- Gaya

=====

BABLU KUMAR Son of Jank Prasad Resident of Village- Kachanpur, P.S.-
Belaganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kr. Sinha, Adv.

For the Opposite Party/s : Mr. Rajesh Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Rajesh Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with Chakand P.S. Case No. 4 of 2018, registered for the offence punishable under Sections 406, 420, 504 of the Indian Penal Code and Section 138 of the NI Act.



The allegation is regarding the petitioner herein having taken a sum of Rs. 3,00,000/- from the informant and upon being asked to return the money, the petitioner is stated to have given a cheque to the informant on 22.11.2017, however, the same has stood dishonoured.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 25.11.2019. It is further submitted that the petitioner is very poor and he is not able to collect the money in question for making repayment of the loan amount to the informant.

Per contra, the learned APP has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and gone through the materials available on record from which it is apparent that the learned trial court had admitted the petitioner to the privilege of anticipatory bail by an order dated 19.04.2018 with a condition that the entire amount



in question shall be given to the informant by the petitioner in six installments, however, the petitioner is stated to have given the first installment of Rs. 50,000/- at the time of surrender, but he failed to give the second installment resulting in his bail bond being cancelled on 18.06.2018, whereafter the petitioner had moved for restoration of his anticipatory bail petition, but the same was dismissed vide order dated 31.01.2019. The said order dated 31.01.2019 was challenged by the petitioner before this Court in Criminal Miscellaneous No. 14801 of 2019 and this Court, by an order dated 16.05.2019, had quashed the aforesaid order dated 31.01.2019 passed by the learned Sessions Judge, Gaya, however, with a direction that the petitioner would pay a sum of Rs. 75,000/- to the informant at the time of furnishing bail bonds before the learned court below and upon furnishing the same, the learned court below shall allow him provisional bail, whereafter, the petitioner shall pay the balance amount in installments. It is a matter of record that the said



order of a coordinate Bench of this Court dated 16.05.2019 was not complied with by the petitioner, hence, process under Section 82 Cr.P.C. was issued whereupon the petitioner had surrendered on 29.08.2019 and prayed for regular bail, but the same has been rejected. It appears that again, the petitioner had applied for grant of regular bail before the court below, however, the same has also been rejected by the impugned order dated 28.02.2020.

Having regard to the facts and circumstances of the case, this Court is of the view that the petitioner has been a perpetual defaulter and has got no regards for the orders of this Court as well as the learned court below, hence, deserves no sympathy by this Court, accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

