

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85344 of 2019

Arising Out of PS. Case No.-653 Year-2018 Thana- KATIHAR District- Katihar

Prabhash Jha, Son of Devendra Jha, Resident of Mohallah - Indira Nagar
V.I.P. Colony, Laliyahi, P.S.- Sahayak, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Bimal Kumar, Advocate
For the S t a t e	:	Mr.Rajendra Singh, APP
For the Informant	:	Mr. Mukesh Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 21-01-2020 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State as well as the learned counsel for the informant.

The petitioner is in custody since 12.10.2019 in connection with Nagar (Sahayak) P.S. Case No.653 of 2018 registered for the offence under Sections 406, 420/34 of the Indian Penal Code, in which subsequently Section 138 of N.I. Act has also been added.

Learned counsel for the petitioner submits that palpably false and mischievous statement before the police has led to the arrest of the present petitioner. It is submitted that bald allegations have been carved out only to grab the land of the petitioner, who is a mentally disturbed person and



has been under treatment since the year 2012. It is further submitted that the petitioner is a practising Lawyer and undertakes to co-operate in whatever further investigation and also during the course of the trial. It is further submitted that the petitioner has nothing to do with the entire allegations and may, therefore, be released on bail as he has a clean antecedent.

Learned counsel for the informant has drawn the attention of this Court that certain cheques issued by the wife of the petitioner have already been dishonoured by the Bank for want of sufficient funds and, therefore, there is a clear indication that the petitioner and his wife are trying to defraud the person who was a part of the group and had given money to the informant for the purpose of *Shiv Charcha*. He further submits that the petitioner has taken money, but has not returned the same.

Perusal of the records of the case reveals that the cheques, which have been issued, were not by the petitioner but by the wife of the petitioner and if at all they were not honoured, it was open to the informant to proceed against her under the relevant provisions of the N.I. Act.

Considering the aforementioned facts and



circumstances, let the petitioner, above named, be released on bail on his 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, Katihar, in connection with Nagar (Sahayak) P.S. Case No.653 of 2018.

(Anjana Mishra, J)

PNM

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

