

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20247 of 2020**

Arising Out of PS. Case No.-672 Year-2019 Thana- WEST CHAMPARAN COMPLAINT  
District- West Champaran

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Vijay Shankar Prasad @ Vijay Shankar Prasad Barnwal Son of Late Lalan Prasad, Resident of Village and P.S. - Chanpatia, District- West Champaran, at present residing at Village - Bhagwati Nagar Bettiah Ward No. 36, P.S.- Bettiah Muffasil, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Abhay Kumar Tiwari Son of Shri Ramakant Tiwari, at present C/o- Pratibha Jha Wife of Late S.N. Jha, Village - Banuchhapar Bettiah Ward No. 08, P.S.- Bettiah Muffasil, District- West Champaran.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Brij Kishor Mishra  
For the Opposite Party/s : Dr. Kumar Uday Pratap

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

5      18-01-2021                      Heard learned counsel for the petitioner and learned  
counsel for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Complaint Case No. 672C of 2019 registered for offence punishable under sections 420, 120B of the Indian Penal Code and section 138 of the N.I. Act.

In this case, a complaint case has been filed by the opposite party No. 2 making allegation that that the petitioner approached to complainant and took Rs.4,00,000/- (four lacs) from him and at that time the petitioner promised to return the said amount whenever the complainant will construct his house.



After some time, when the complainant demanded the said money for construction of the house, the son of the petitioner gave Cheque of Rs.4,00,000/- (four lacs) to the complainant but the same has been dishonoured.

Learned counsel for the petitioner submits that the petitioner had no concern with the said cheque and he has falsely been implicated in the present case. He has no concern with his son as he stays at different place. However, the petitioner is ready to pay Rs. 50,000/- (fifty thousand) to the complainant with a condition that if the petitioner will not succeed in the complaint case, he will return Rs. 50,000/- to the petitioner.

In such view of the matter, let the petitioner above named in event of arrest or surrender before the court below within six weeks from today, be released on provisional bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Bettiah, West Champaran in connection with Complaint Case No. 672C of 2019, subject to condition as laid down under section 438 (2) Cr.PC and further condition is that one of the bailors of the petitioner shall be his close relative. The petitioner must pay the said amount within four weeks



failing which the provisional bail granted to the petitioner will be treated to have been withdrawn. If the amount is paid, the provisional bail will be treated to have been confirmed. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court. If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of his bail and the court below will take decision in accordance with law.

**(Shivaji Pandey, J)**

Mahesh/-

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