

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34543 of 2020

Arising Out of PS. Case No.-153 Year-2020 Thana- BRAHMPUR District- Buxar

Raj Kishor Vidyarthi, Male, aged about 32 years, Son of Late Sidheshwar Thakur, Resident of Village- Hundari, PS- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Anjani Prasad Singh, Advocate
For the State	:	Mr. Sanjay Kumar Sharma, APP
For the Informant	:	Mr. Rang Nath Choubey, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 29-07-2021

The matter has been heard *via* video conferencing.

2. Heard Dr. Anjani Prasad Singh, learned counsel for the petitioner; Mr. Sanjay Kumar Sharma, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Rang Nath Choubey, learned counsel for the informant.

3. The petitioner apprehends arrest in connection with Brahampur PS Case No. 153 of 2020 dated 19.03.2020, instituted under Sections 406, 420 of the Indian Penal Code and 138 of the Negotiable Instruments Act, 1881.

4. The allegation against the petitioner is that he had taken Rs. 1,80,000/- for treatment of his mother and had given a cheque, but the same bounced and the money was never returned.



5. Learned counsel for the petitioner had earlier taken a categorical stand that due to personal difficulty faced by the petitioner on account of heavy expenses incurred on the treatment of his mother, he could not earlier return the money and was ready to do the same.

6. The aforesaid proposal on behalf of the petitioner was accepted by the informant and as per the order dated 13.04.2021, the petitioner had agreed to transfer the amount by 20th April, 2021. However, due to various factors, the money could not be transferred in time and after further indulgence given, the total amount of Rs. 1,80,000/-, as per the stand taken by learned counsel for the petitioner has now been paid to the informant.

7. Learned counsel for the informant does not dispute the same. Learned counsel submitted that after having received her money, her grievance has been redressed and she shall not be pressing the case filed by her in the Court below.

8. Having regard to the aforesaid, the Court is inclined to grant pre-arrest bail to the petitioner.

9. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each



to the satisfaction of the learned Judicial Magistrate, Buxar in Brahampur PS Case No. 153 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner shall co-operate with the police/prosecution and the Court. Failure to co-operate shall lead to cancellation of his bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

11. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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