

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40641 of 2020

Arising Out of PS. Case No.-385 Year-2020 Thana- BETTIAH CITY District- West
Champaran

-
-
1. Pratima Devi, Wife of Krishna Prasad @ Krishna Prasad Jaiswal, Resident Of Mohalla- Gandhinagar, Kalwar Patt, P.S.- Chanpatia, District- West Champaran, Also Resident Of Pragati Nagar, Ujjain Tola, P.S.- Bettiah Town, District- West Champaran
 2. Anmol Jaiswal @ Anmol Kumar, Son Of Krishna Prasad @ Krishna Prasad Jaiswal Resident Of Mohalla- Gandhinagar, Kalwar Patt, P.S.- Chanpatia, District- West Champaran, Also Resident Of Pragati Nagar, Ujjain Tola, P.S.- Bettiah Town, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Singh, Wife of Rajiv Kumar Singh Resident of Mohalla- New Bus Stand, Bettiah, P.S.- Bettiah Town, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Priyadarshi Matri Sharan- Advocate
For the Informant	:	Mr. Satendra Rai- Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-06-2021 Heard Mr. Priyadarshi Matri Sharan, the learned Advocate for the petitioners, Mr. Satendra Rai, the learned Advocate for the informant and Mr. Aslam Ansari, the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Bettiah Town P. S. Case No.385 of 2020, instituted for the offences under Sections 420, 406, 34 of the Indian Penal Code and Section 138 of the



Negotiable Instrument Act.

The accusation against the petitioners is of having accepted money from the husband of the informant and thereafter cheating the informant and her husband by giving three cheques which could not be respected and all those cheques bounced.

The learned counsel for the petitioners has submitted that no offence can at all be said to have been made out especially the offence under Section 138 of the Negotiable Instruments Act. For the prosecution of the petitioners in the aforesaid Act, a complaint was required to be filed.

Apart from this, it has been submitted that there is nothing on the record to indicate the reason for return of all the cheques. Whether those cheques were surety cheques or were towards payment of any dues is not known.

The background facts narrated in the F.I.R. also does not appear to be totally reliable. If the petitioners are the tenants of the informant, there does not appear to be any special reason for the house owner to give loan to the



petitioners without there being any documentation for such loan.

How and under what circumstances, such big amount as loan was given by the husband of the petitioner is also not known. According to the own showing of the informant, her husband is a Government Servant.

Opposing the prayer for bail, the learned Advocate for the informant has submitted that he is in possession of three cheques which were not respected by the bank and has also submitted that in a similar manner, the petitioners have duped many other investors. These grounds do not weigh with this Court for negating the contention raised on behalf of the petitioners.

For the reasons afore-stated, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah,



West Champaran in connection with Bettiah Town P. S. Case
No.385 of 2020, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

vikash/-

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

