

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28236 of 2022

Arising Out of PS. Case No.-248 Year-2011 Thana- MAHUA District- Vaishali

=====

Divesh Kumar Deepu Son of Akhilesh Kumar Verma Resident of Village -
Mohanpur Dhanraj, P.S.- Mahua, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-11-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in the virtual court

proceeding.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 419, 420,
406, 467 and 468 of the Indian Penal Code and Section 38 of the
N.I. Act.

According to the prosecution case, a cheque of Rs.
1,00,000/- has been handover to the petitioner who used to
supply goods but it is alleged that he did not supplied the goods
to the informant. After that, petitioner issued cheque of Rs.
75,000/- in favour of the informant. Then the informant



deposited the cheque to encash the said amount but the said cheque was bounced because of insufficient fund.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the informant has not send the notice as required under Section 138 of the N.I. Act, so the informant has not fulfilled the requisite requirement under Section 138 of the N.I. Act. He further submits that he filed the present case only to harass the petitioner and in fact, the petitioner has already supplied the goods to the informant, so there is no case as made out against the petitioner.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Mahua P.S. Case No. 248 of 2011 subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

vanisha/-

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

