

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29863 of 2022

Arising Out of PS. Case No.-363 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

MAHESH KUMAR Son of Late Ram Vriksh Ray Resident of Village -
Khalikpur, PO.- Jhaphan, P.s.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh
For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-09-2022 Heard the parties.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered for the offence punishable under section 406, 420 of IPC and 138 of N.I. Act.

Allegedly, the informant had talk with the petitioner for purchasing a land, thereafter he gave Rs.4,50,000/- to the petitioner for getting executed sale deed from the land lord but thereafter, he evaded. It is further alleged that when the informant pressurized the petitioner for returning the said amount, petitioner gave a cheque which was dishonored due to



insufficiency of fund.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to dirty village politics. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. He further submits that the petitioner is agreed to return the said amount of Rs.4,50,000/- to the informant. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on **provisional** bail, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Bochahan P.S. Case No.363 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, petitioner is directed to pay Rs.1,00,000/- to the



informant at the time of filing of bail bonds and rest of the amount shall be returned in installments within one year.

Learned court below is directed to confirm the provisional bail of the petitioner after receipt of payment of the entire undertaken amount to the informant.

(Anjani Kumar Sharan, J)

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