

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39893 of 2022

Arising Out of PS. Case No.-659 Year-2018 Thana- SAHARSA SADAR District- Saharsa

Binod Kumar Singh, male, aged about 46 years, S/o late Shaligram Singh,
resident of village-Gangjala, Tiranga Chowk, Ward No.15 P.S. and District-
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 10-10-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the learned

APP for the State.

Petitioner seeks regular bail in connection with Saharsa

Sadar P.S. Case No.659 of 2018 registered for the offences

punishable under Sections 406 and 420 of the Indian Penal Code and

Section 138 of Negotiable Instruments Act, 1981.

As per the allegation, the petitioner had taken

Rs.12,40,000/- from the informant for executing a sale deed in

respect of a piece of land but did not execute the sale deed and

thereafter issued two cheques for the amount Rs.6,00,000/- and

Rs.6,40,000/- in favour of the informant but the same were

dishoured.



The main submissions advanced by the learned counsel Mr. Shekhar Kumar Singh for the petitioner are that the petitioner has been languishing in jail since 15.04.2022, the main dispute between the parties mentioned in the FIR only attracts a civil wrong and moreover the petitioner himself had filed a Complaint Case No.606 of 2018 before the lodging of the informant's case and the complaint filed by the petitioner was sent to the police for investigation and thereafter on protest petition filed by the petitioner the Judicial Magistrate concerned found prima facie case to be made out under Sections 341, 406, 420 and 504 of IPC against the informant of this case and others and accordingly cognizance of the alleged offences was taken against the prosecution party. Further submission is that the petitioner earlier filed Cr. Misc. No.54004 of 2019 for the relief of regular bail which was initially allowed provisionally but after some period of time that relief was recalled and petitioner's prayer was rejected and he was directed to surrender before the Court below and in view of that direction the petitioner himself surrendered before the Court below. Further submission is that in the petitioner's case, the investigation was completed one year ago but after the submission of charge-sheet the trial of the petitioner has not commenced and even charge has not been framed. Further submission is that in between both the parties there a case and counter case and there is dispute in between the parties with respect to business transaction and against the petitioner there is criminal



antecedent of two cases in which the petitioner is on bail.

Learned APP Mr. Shyam Kumar Singh appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly taking into account the petitioner's custody period and also the fact that the petitioner has been languishing in jail for last about six month and as per the above submission the charge has not been framed against the petitioner even after lapse of a significant period of time after the completion of the investigation, which shows that the prosecution is very slow in concluding the trial of the petitioner and the alleged offences are triable by the Judicial Magistrate First Class, in the opinion of this Court a lenient approach can be taken in respect of petitioner's prayer, let the petitioner 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 concerned Court in Connection with Saharsa Sadar P.S. Case No.659 of 2018.

(Shailendra Singh, J.)

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