

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42068 of 2022**

Arising Out of PS. Case No.-597 Year-2017 Thana- KHAGARIA District- Khagaria

ANAND HISARIYA @ ANAND KUMAR HISARIYA Son of Late
Omprakash Hisariya Resident of Village - Main Road, P.s. and Distt.-
Khagaria (Bihar). Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Sinha
For the Opposite Party/s : Mr. Navin Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 30-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State assisted by learned counsel for the
informant.

Learned counsel for the petitioner undertakes to
remove the defect(s), as pointed out by the office, within four
weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 406/420 of
the Indian Penal Code and Section 138 of the N.I. Act.

The accusation against the petitioner is that he had
taken Rs.7 lakhs from the informant with an assurance to return
it within one month but he did not return it and the cheque
issued by him was got dishonored as the account was closed.

It is submitted by learned counsel for the
petitioner that no such occurrence as alleged ever took place.



He has been falsely implicated in this case. It is further submitted that the informant never produced this cheque for clearance as such no offence is made out under Section 138 N.I. Act. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to pay 20% of Rs.2,00,000/- i.e. Rs.20,000/- to the informant within two weeks, without being prejudiced to this order.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on 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 connection with Khagaria P.S. Case No. 597 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Learned court below is directed to accept the bail bond of the petitioner after satisfying himself that Rs.20,000/- has been paid to the informant.

(Anjani Kumar Sharan, J)

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