

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54183 of 2021**

Arising Out of PS. Case No.-773 Year-2020 Thana- BETTIAH CITY District- West
Champanan

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DEVANDRA SHARMA Son of Late Surendra Sharma Resident of Mohalla-
New Bus Stand,Durga Nagar, P.S.- Bettiah, Town and District- West
Champanan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mohammed Abu Haidar, Adv.
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP
For the informant	:	Mr. Umesh Chandra Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-01-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

A supplementary affidavit, carrying out necessary

correction in the main application, has been filed on behalf of

the petitioner, which forms part of this application.

Heard learned counsel for the petitioner and the

learned counsel for the informant as well as learned A.P.P. for

the State through video conferencing.

The petitioner seeks bail in connection with Bettiah

Nagar (Town) P.S. Case No. 773 of 2020 registered for the

offence under Sections 406, 420, 467, 468 and 471 and 34 of

the Indian Penal Code and Section 138 of the N.I. Act.



The petitioner along with others are alleged to have fraudulently taken money on account of providing employment in the Health Department from the husband of the informant and on being failure, the co-accused issued a cheque of Rs. 10,00000/- in favour of husband of the informant which is said to have been dishonored.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that the petitioner has not taken any money from the husband of the informant nor he has issued any cheque to him rather it is the co-accused, Sagar Kumar Verma, who has issued cheque in favour of the husband of the petitioner which is said to have been dishonored. As a matter of fact, initially the husband of the informant has filed a complaint case for the alleged occurrence against the co-accused, Sagar Kumar Verma and the name of this petitioner has been mentioned as witness in the said complaint. He further submits that for the same set of facts, the informant again lodged an F.I.R. implicating this petitioner after nine months of the date of occurrence. The petitioner has not played any pivotal role in the alleged occurrence as neither



the petitioner has taken even a single farthing against any promise nor he has issued any cheque to anyone. Therefore, no case under Section 138 of the N.I. Act is made out against the petitioner. The petitioner is rotting in judicial custody since 04.06.2021.

Learned counsel for the informant as well as learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, 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 learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Bettiah Nagar (Town) P.S. Case No. 773 of 2020 with the 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

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