

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56642 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- HUSSAINGANJ District- Siwan

Ram Babu Prasad Sah @ Rambabu Prasad Son of Ganesh Sah Resident of
Village - Mahpur, Police Station - Hussainganj, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 20-04-2022 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 419, 420, 406 of the Indian
Penal Code and Section 138 of N.I. Act.

According to prosecution case, the informant Rani
Gupta, the proprietor of Shiv Ganga Traders has filed a written
report before the S.H.O. Hussainganj police station on
28.03.2021 for the occurrence alleged to be taken place on
08.12.2020 alleging therein that she was proprietor of Shiv
Ganja Traders which deals in Makka business. One Ram Babu



Sah, proprietor of Shri Ram Firm issued cheque No. 828316 on 08.12.2020 of Rs.21,50,700/- in the course of purchase trade of Makka which got dishonored on presentation before the Bank on 06.03.2021.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner and informant were the contracted in business since 2020 and the petitioner has paid all the dues amount of the informant through R.T.G.S. to the informant's firm. He further submits that the blank cheque was given to the informant for the purpose of security. The petitioner is in custody since 13.06.2021.

The learned counsel for the Informant and learned A.P.P. has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has mislead the informant while settling the amount.

Learned counsel for the petitioner is ready to settle the account.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Hussainganj

P.S. Case No. 81 of 2021, subject to 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 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)

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