

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49540 of 2022

Arising Out of PS. Case No.-142 Year-2022 Thana- RUPAULI District- Purnia

1. Awadhesh Jaiswal @ Golu S/o Late suresh Bhagat Resident of Village - Mohanpur Bazar, P.S.- Rupauli (Mohanpur), District - Purnia.
2. Vijay Jaiswal S/o Awadhesh Jaiswal @ Golu Resident of Village - Mohanpur Bazar, P.S.- Rupauli (Mohanpur), District - Purnia.
3. Uday Jaiswal S/o AWadhesh Jaiswal @ Golu Resident of Village - Mohanpur Bazar, P.S.- Rupauli (Mohanpur), District - Purnia.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate
For the Informant	:	Mr. Debesh Kumar Poddar, Advocate
For the State	:	Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Learned counsel for the petitioners submits that during the pendency of the bail petition, petitioner no. 1 namely Awadhesh Jaiswal @ Golu and petitioner no. 3 Uday Jaiswal have been arrested and as such he seeks permission to withdraw the application with respect to petitioner nos. 1 and 3 as having become infructuous.

Permission is accorded.

The application is dismissed as withdrawn with



respect to petitioner nos. 1 and 3.

Heard learned counsel for the petitioner no. 2, learned counsel appearing on behalf of the informant and learned APP for the State.

The petitioner no. 2 is apprehending his arrest in a case registered for the offences punishable under Sections 420, 406, 506, 120 (B) of the Indian Penal Code and Section 138 of N.I. Act.

According to the F.I.R., the informant alleged that co-accused Sanjay Kumar and petitioners have brought total 738.47 quintal maize from the informant and for which total Rs. 14,40,000/- (Fourteen lakhs and forty thousand) of cheque was issued to the informant and when the informant went to the Bank to cash the cheque then On 18.05.2022 the Bank returned all the cheque, which was issued by the co-accused due to non-availability of money in the account.

Learned counsel for the petitioner no. 2 has clean antecedents and he has been falsely implicated in the present case. He further submits that due to some dispute, the petitioner no. 2 has been falsely implicated in the present case but in fact the co-accused Sanjay Kumar who is brother of the petitioner has issued the cheque in favour of the informant and the same



was dishonored by the concerned Bank and hence the informant has filed the present case against the co-accused persons namely Sanjay Kumar and Awadhesh Jaiswal @ Golu who are brother and father of the petitioner no. 2. He further submits that the cheque in question was issued by the co-accused Sanjay Kumar but the informant has falsely implicated the entire family of accused Sanjay Kumar in the present case.

Learned counsel appearing on behalf of the informant as well as learned APP for the State have opposed the prayer for anticipatory bail of the petitioner no. 2 and submits that all are involved in the present occurrence.

Considering the facts and circumstances of the case, let the petitioner no. 2, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Rupauli (Mohanpur) P.S. Case No. 142 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

- (1) Petitioner no. 2 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioner no. 2 tampers with the evidence or the witness, 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 no. 2 and in case at any stage, it is found that the petitioner no. 2 has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner no. 2. 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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