

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69569 of 2021

Arising Out of PS. Case No.-111 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

AJAY KUMAR Son of Late Kashi Nath Chaudhary Resident of Village -
Jathau Barari Tola, Banarsh Patti, Police Station - Industrial Area, District -
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Prasad, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Mukesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-05-2022 Heard Mr. Subodh Kumar, learned counsel for the
petitioner, Mr. Mukesh Kumar, learned APP for the State and
Mr. Mukesh Kumar, learned counsel for the Informant.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Industrial Area P.S. Case No. 111 of 2021 for the offences
under Sections 406 and 420 of the Indian Penal Code and
Section 138 of the N.I. Act.

At the outset, Mr. Subodh Prasad, learned counsel for
the petitioner fairly submits that without accepting the allegation
that has been levelled in the FIR, the petitioner voluntarily has
decided to handover the demand draft of Rs. 85,000/- in favour



of the informant, Upendra Chaudhury vide DD Number 000062 issued by the HDFC Bank, Hajipur dated 24.05.2022.

Learned counsel for the Informant on instruction has decided to accept the said Account Payee Demand Draft and has put his signature as a token of having received the said demand draft.

Let the photo copy of the Demand Draft duly signed by both the counsel for the petitioner as also the informant be kept on record.

In the present FIR, the informant has alleged that the petitioner wanted to sale his land to perform the marriage of his daughter and after negotiation he had paid Rs. 85,000/-. As he failed to execute the sale deed, the money was demanded, a cheque was issued, which was dishonored and accordingly after following due procedure of law, the FIR was registered.

Considering the fact that the petitioner on his own returned the alleged money in favour of the informant vide account payee demand draft of Rs. 85,000/- in favour of the informant issued by the HDFC Bank, Hajipur dated 04.05.2022, he has no criminal antecedent, is in jail since 14.09.2021 (as stated in paragraph-8 of the bail application), this Court is inclined to grant him the privilege of bail.



Let the petitioner be released on bail on furnishing
bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of
like amount each to the satisfaction of learned Chief Judicial
Magistrate, Vaishali at Hajipur in connection with Industrial
Area P.S. Case No. 111 of 2021.

(Rajiv Roy, J)

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