

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3402 of 2023

Arising Out of PS. Case No.-51 Year-2020 Thana- LALGANJ District- Vaishali

Bhubneshwar Bhagat, Son of Late Shiv Bhagat, Resident of Village-
Mohiudinpur, P.S.- Vaishali, District- Vaishali at Hajipur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 22-06-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 406, 420 of the Indian Penal Code and Section 138 of the N.I. Act.

According to the F.I.R., the prosecution case, in brief, is that petitioner executed a Mahadnama in favour of informant but when the informant requested him to execute the sale deed, he refused the same. When the informant demanded his money, co-accused Prahalad Kumar Bhagat (son of the petitioner) gave a cheque of Rs. 10 lac which got dishonored and after several legal notices, neither the petitioner gave any reply nor returned the money.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case due to ulterior motive. This matter is purely a civil nature dispute. He has got no criminal antecedent. It is further submitted that the son of the petitioner namely Prahalad Kumar Bhagat furnished the cheque to the informant which got dishonored, has already enlarged on anticipatory bail by other co-ordinate Bench of this Court vide order dated 07.04.2023 passed in Cr. Misc. No. 5280 of 2023. Moreover, the petitioner is languishing in judicial custody since 21.09.2022.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Lalganj P.S. Case No. 51 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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