

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7217 of 2023

Arising Out of PS. Case No.-126 Year-2021 Thana- GOVINDPUR District- Nawada

UTTAM GUHA S/O LATE NIRMALENDU GUHA Resident of village-
Ramkrishna para Matigara, P.S.- Matigara, District- Darjeeling (West
Bengal), at present residing at Bethal International School, Residnet of
Village- Thali Bazar, P.S.- Govindpur, District- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 20-07-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks bail in connection with Govindpur
P.S. Case No. 126 of 2021 registered for the offence under
Sections 420 and 406 of the Indian Penal Code and Section 138 of
the Negotiable Instrument Act.

This case relates to misappropriation and cheating of
money of the informant by the petitioner.

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 allegation, as alleged in the F.I.R., is false and fabricated and
the petitioner has not committed any offence. He further submits
that the informant has not paid any amount to the petitioner and



in fact the petitioner has given twelve blank cheques to the informant and the same are misused by the informant and lodged a false and frivolous case against the petitioner. He further submits that the informant has not complied the mandatory provisions as required under Section 138 of the N.I. Act. The petitioner is rotting in judicial custody since 24.08.2022.

Learned counsel for the informant as well as learned A.P.P. for the State 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 J.M.-1st Class, Nawada in connection with Govindpur P.S. Case No. 126 of 2021 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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