

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15841 of 2023

Arising Out of PS. Case No.-482 Year-2022 Thana- RAXAUL District- East Champaran

1. Sheo Prashan Das S/O Ram Ratan Das Resident of College Raod, P.S.- Raxual, District- East Champaran.
2. Rajendra Das @ Rajendra Kumar @ Arvind Kumar S/O Sheoprasan Das Resident of College Raod, P.S.- Raxual, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Singh, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

For the Informant : Mr. Bal Govind Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 03-10-2023 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant as well as Mr. Atul Chandra, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Raxaul P.S. Case No. 482 of 2022, F.I.R. dated 14.10.2022 for the offences punishable under Section 406 of the Indian Penal Code and Section 138 of the N.I. Act.

3. According to prosecution case, these petitioners along with one other accused person took consideration money from the informant but did not executed the sale deed in favour of the informant and later on they issued cheques in favour of the informant but the same was dishonoured due to insufficient



amount.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case merely on the ground that the petitioners are father and brother of the co-accused, Ajay Kumar. He further submits that from perusal of the F.I.R it appears that there is no allegation against these petitioners that they have cheated the informant and the informant has intentionally entered the name of these petitioners only to harass them. He further submits that the informant has already filed another case bearing Raxaul P.S. Case No. 477 of 2022 for seven sets of allegations and all the money as alleged in the F.I.R was received by the co-accused, Ajay Kumar. He further submits that the petitioners are the family member of the co-accused, that's why they have been implicated in the present case. He further submits that no case is made out under Section 138 of the N.I. Act against these petitioners because the petitioners have never issued any cheques in favour of the informant. They further submits that the petitioners carries one criminal antecedent other than the present one.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have



vehemently opposed the prayer for bail of the petitioners and submits that the petitioners have already been accused in number of cases of the same nature but fairly submits that due to conduct of the co-accused, Ajay Kumar, the petitioners have been implicated in the present case as well as in other cases.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Raxaul P.S. Case No. 482 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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