

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15856 of 2022

Arising Out of PS. Case No.-174 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

Shiv Shankar Karak Son Of Rajesh Karak R/O Mohalla- Gandhi Chowk,
Darbhanga, P.S.- Darbhanga Town, Dist.- Darbhanga, As A Proprietor Of
Samta Trader, Baar Samiti, P.S.- Sadar (MABBI O.P.), Dist.- Darbhanga
... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sachin Banka Son Of Sajan Kumar Banka R/O Shyam Trading Company,
Sultanpur, Near To J.P. Evening College, Jandaha Road, P.S.- Industrial
Area, Dist.- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Girish Chandra Jha
For the Opposite Party/s :	Mr. Uday Chand Prasad
For the Informant	Mr. Shashi Bhushan Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Though the Vakalatnama has already been filed on
behalf of the opposite party no. 2 but nobody appears on his
behalf.

Learned counsel for the petitioner undertakes to
remove the defects, if any, within three weeks.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 406, 420,
504, 506 of the Indian Penal Code and Section 138 of N.I. Act.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. He submits that in such type of business always blank cheque was given by the dealer as a security to the supplier. Petitioner issued a blank cheque without date and amount in favour of Shyam Trading Company in which neither the amount nor the date was filled up by the petitioner and the informant to take benefit, filled up the date and amount and presented the cheque in bank without informing the petitioner. He submits that the informant has not given any legal notice to the petitioner for return of the cheque which is mandatory provision under N.I. Act. He submits that the dispute is completely civil in nature and has been given a colour of criminal case by instituting an FIR. He submits that there is no specific overt act against the petitioner. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the



learned court below where the case is pending/successor court
in connection with Industrial Area P.S. Case No. 174 of 2021,
subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

(Anjani Kumar Sharan, J)

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