

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17983 of 2022

Arising Out of PS. Case No.-807 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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VIJAY KISHORE BAJORIYA @ BIJAY KISHORE BAJORIYA Son of Late
Kashi Prasad Bajoriya Resident of Village - Patel Babu Road, Mundichak,
P.s.- Tilkamanjhi, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deepak Kumar Sinha,Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 16-01-2023 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner apprehends his arrest in connection
with Kotwali P.S(Tilakamanjhi) Case No. 807 of 2021 (GR No.
4936 of 2021) for the offence registered under Sections 406 and
420 of the Indian Penal Code.

As per the FIR, the lady-informant alleged that after
death of her husband, this petitioner during the Covid-19 period
promised her that he will be cooperating in running the shop and
accordingly she made him co-sharer and thereafter, he played
trick and used the signed cheques of the informant, presented
before it the Bank which bounced and accordingly took steps
under N.I Act. However, only after the knowledge of the same,



this FIR was lodged.

Learned counsel submits that the petitioner is of 71 years, he do not have criminal antecedent and further he was unable to pay the rent and had given cheques later which was dishonored due to insufficient fund and when he took steps, he was burdened with this FIR.

Learned counsel for the informant, on the other hand, submits that the case is entirely opposite and inasmuch as the blank signed cheques of her misused by him and as such, he is not entitled to the relief.

Be that as it may, it is a matter of case and counter case and in this background, it cannot be ascertained about the truthfulness of one on the other side. However, in view of the fact that he has no criminal antecedent, is an aged person, this Court is inclined to grant him relief subject to conditions :

(i) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(ii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of C.J.M. Bhagalpur in connection with Kotwali P.S(Tilakamanjhi) Case No. 807 of 2021 (GR No. 4936 of 2021) subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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