

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21536 of 2023

Arising Out of PS. Case No.-585 Year-2022 Thana- BUXAR District- Buxar

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Birendra Prasad Seth @ Virendra Prasad Seth, Son of Rajendra Prasad
Resident of Mohalla - Musafirganj, P.O. - Gajadharganj, Ward No. 9, P.S. -
Buxar Nagar, District – Buxar Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner in the present case is seeking pre-arrest bail
in connection with Buxar (Town) P.S. Case No. 585 of 2022
registered for the offences punishable under Sections 420/406 of the
Indian Penal Code. He has got no criminal antecedent.

As per the prosecution story, the informant gave
Rs.23,00,000/- to the petitioner for doing business and when the
informant asked to return his money, on 05.08.2022, he signed a
Vijaya Bank's Cheque in his favour. Thereafter, when the informant
deposited the said cheque in his Canara Bank account, the Bank
returned the cheque stating that the said Vijaya Bank merged with
Bank of Baroda, hence, the said cheque is invalid. Thereafter, the
informant sent a notice to the petitioner but he did not reply.

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



is submitted that the petitioner has got no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears from the FIR that the petitioner had allegedly received a sum of Rs. 23 lakhs and had issued a cheque in the name of the informant for purpose of refund of the said amount but it was found that the cheque was that of Vijaya Bank which had already merged with the Bank of Baroda, in the nature of the allegation that the petitioner had used the cheque leaves of the Bank which was not in existence and in the petition he admits to have issued cheque and even signed certain documents on stamp paper in receipt of the said money, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner is, thus, refused.

In case the petitioner surrenders and prays for regular bail within a period of four weeks from today in the court below, his prayer for regular bail shall be considered on its own merit without being prejudice by the order of this Court.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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