

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.24718 of 2023**

Arising Out of PS. Case No.-1452 Year-2021 Thana- EAST CHAMPARAN COMPLAINT  
District- East Champaran

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Raju Mahto S/O Basudeo Mahto R/O Village- Pakari, P.S- Dumariaghat,  
Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mantosh Kumar Pandey S/O Nawal Kishor Pandey R/O Village- Jasauli  
Tola Bangra, P.S- Kotwa, Distt.- East Champaran.

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Petitioner/s     | : | Mr. Pramod Kumar Pandey, Advocate |
| For the Opposite Party/s | : | Mr. Bhanu Pratap Singh, APP       |
| For the Complainant      | : | Mr. Rahul Singh, Advocate         |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      12-10-2023                      Heard Mr. Manoj Kumar, learned counsel for the  
  
petitioner, Mr. Rahul Singh, learned counsel appearing on behalf  
  
of the complainant as well as Mr. Bhanu Pratap Singh, learned  
  
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in  
connection with Tr. No. 1595 of 2022 arising out of C-case No.  
1452 of 2021, dated 01.09.2021 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, the petitioner took  
away cock of Rs. 1, 40,000/- from the complainant's poultry  
farm and assured to make payment. It is further alleged that the



petitioner gave a cheque of Rs. 70,000/- which got bounce since the account was closed and there is misappropriation to full amount of Rs. 1,40,000/-.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that as per the allegation in the complaint petition, the cheque amount of the complainant was dishonoured and thereafter the present complaint petition has been filed. He further submits that the petitioner is ready to deposit the cheque amount of Rs. 70,000/- in favour of the complainant.

5. The learned counsel appearing on behalf of the complainant submits that altogether Rs. 1,40,000/- was due against the petitioner. He further submits that the petitioner has received the amount in 2021 and till date he has not returned back any amount.

6. Considering the aforesaid fact that the petitioner is ready to deposit the cheque amount which is Rs. 70,000/-, let the petitioner, 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) with two sureties of



the like amount each to the satisfaction of the learned Judicial Magistrate, 1<sup>st</sup> Class, Motihari East Champaran in connection with Tr. No. 1595 of 2022 arising out of C-case No. 1452 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall produce a demand draft of Rs. 70,000/- in favour of the complainant at the time of furnishing the bail bond and the same shall be handed over to the complainant or his representative at the time of furnishing the bail bond.

ii. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

iii. 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.

iv. 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)**

Vanisha/-

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