

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29847 of 2023

Arising Out of PS. Case No.-1617 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Basant Kumar Son of Sonelal Sharma Permanent Resident of Village - Teghra, P.S. - Teghra, District - Begusarai, At Present residing K-117, Vijay Bihar Phase-2, Rohini, North-West, Delhi

... .. Petitioner/s

Versus

1. State of Bihar And Anr Bihar, Patna
2. Sri Prasad Sharma Son of Sriraghuvveer Sharma resident of village - gaya tola, p.s. - Phulparas, District - Madhubani, At Present residing Rohini Sector-4, Vijay Bihar Colony, E-63, Phase-2, 110085, New Delhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 24-06-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Complaint Case No. 1617 of 2021, where cognizance was taken by Learned Judicial Magistrate, 1st Class, Begusarai for the offence punishable under Sections 323, 341, 379, 420 and 406 of the Indian Penal Code.

The accused/petitioner is named in the Complaint Petition and is in custody since 21.10.2022.



The allegation as per complaint petition against this petitioner is to assault the member of cooperative due to certain dispute and differences arises out of money transactions.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated through present complaint petition as out of certain dispute arises out of money transaction. It is submitted that technically it is not possible to transfer money through UPI (Unified Payment Interface) from the bank account of different persons. It is further submitted that there is no evidence as regard to payment of Rs. 4,00,000/- as claimed through complaint petition and moreover from the perusal of para 11 of the complaint petition, it appears that matter is related with the subject of Negotiable Instrument Act, where prescribed procedures as under Section 142 of the Negotiable Instrument Act is to be followed. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent.

Learned APP opposed the prayer of bail.

Considering the facts and circumstances as mentioned above, and by taking note of the fact of complaint petition, where transaction was not made from UPI (Unified Payment Interface) account of the petitioner, where there is no



documentary evidence as regard to transaction of Rs. 4,00,000/-, as claimed coupled with the fact that the allegation also appears to be connected as per provisions of Negotiable Instrument Act, where petitioner is in custody since 21.10.2022, accordingly the petitioner, above named, is directed to be released on bail in connection with Complaint Case No. 1617 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Begusarai/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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