

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30464 of 2023

Arising Out of PS. Case No.-677 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Ram Babu Prasad Kushwaha Son Of Shivanand Prasad Kushwaha R/O
Village- Ward No.- 4, Matwa Ram Tola, P.O.- Thikhan Bhawanipur, P.S.-
Sangrampur, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rameshwar Prasad Singh Son Of Late Kirat Singh R/O Village- Madhubani
Ghat, P.S.- Muffasil, Motihari, District- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shakil Ahmad Khan
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1
	:	Mr. Rajesh Ranjan
	:	Mr. Shakti Suman Kumar
	:	Mr. Atul Shankar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and learned

APP for the State along with learned counsel for the

complainant.

2. The petitioner is apprehending his arrest in a case
registered for the offences punishable under Section 406 of the
Indian Penal Code and Section 138 of the N.I. Act pending in
the learned court below.

3. As per the prosecution case, the allegation against
the petitioner is that after taking consideration money he has not
registered the sale deed in favour of the complainant and thus
committed forgery with him.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the learned Magistrate has taken cognizance against the petitioner under Section 406 IPC & Section 138 of N.I. Learned counsel for the petitioner has also relied upon the Section 143(a) of the N.I. Act, which was introduced on 02.08.2018. He submits that the dispute between the parties is purely civil in nature. He further submits that petitioner have got two criminal antecedents of similar nature of the offence as stated in para-3 of the bail application.

5. Learned APP for the State along with learned counsel for the complainant opposes for prayer for bail.

6. Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Complaint Case No.677/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



7. Learned court below is directed to consider the
Section 143(a) of the N.I. Act when the charge has been framed
against the petitioner.

(Anjani Kumar Sharan, J)

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