

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34882 of 2023

Arising Out of PS. Case No.-212 Year-2021 Thana- BIHTA District- Patna

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Hari Om Mishra Son Of Surendra Mishra Resident Of Village -DAYALPUR,
PS -DHANSOI, PO -GAGAURA District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Kumar Tripathi, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Bihta
P.S. Case No.212 of 2021 registered for the offence under
Sections 406 and 420 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 10.08.2022.

4. The allegation against the petitioner is to cheat
informant for the sum of Rs. 2,50,000/- in the name of
investment in M/s. RJDI Ventures Private Limited.

5. Learned counsel appearing on behalf of the
petitioner submitted that informant and petitioner both were
partners and out of some business disputes, the present false
implication was raised by the informant implicating petitioner. It



is also submitted that as per narration of the F.I.R. amount of Rs. 2,50,000/- was returned to informant through cheque by this petitioner but as out of self-negligence, when petitioner failed to deposit the same before the bank, present false implication was raised. It appears that matter related to Section 138 of the Negotiable Instrument Act, where entire procedure is defined as how to proceed, in terms of Section 142 of the Negotiable Instrument Act and as such present F.I.R. is apparently bad in the eyes of law. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as matter appears related with dishonoring of the instrument, which is appearing, *prima facie*, subject of Section 138 of the Negotiable Instrument Act coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.08.2022, accordingly, petitioner, above named, is directed to be released on bail in connection with Bihta P.S. Case No.212 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 Additional Chief Judicial Magistrate-1st, Danapur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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