

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40827 of 2023**

Arising Out of PS. Case No.-44 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

-
1. SUNIL KUMAR Son of Kusheshwar Prasad Rai @ Kusheshwar Prasad Ray Resident of village - Sarhad Bhairo, P.S.- Mahiuddinnagar, District - Samastipur.
 2. Kusheshwar Prasad Rai @ Kusheshwar Prasad Ray Son of Late Ram Chandra Rai Resident of village - Sarhad Bhairo, P.S.- Mahiuddinnagar, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhay Shankar Singh, Adv.
For the Informant	:	Mr. Vinod Kumar, Adv.
	:	Mr. Ravi Prakash, Adv.
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 01-08-2023 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Mohiuddinnagar P.S. Case No. 44 of 2023, registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code.

3. It is alleged that the petitioner no. 1 has taken Rs. 10 lacs from the informant for the purpose of business and on being demanded the said amount by the informant, petitioner no. 1 issued a cheque of Rs. 10 lacs in the name of the



informant, which was bounced.

4. It is submitted on behalf of the petitioners that the entire allegation is concocted and fabricated. It is further submitted that the informant was running a private committee in which there were 11 members including the informant and the petitioners and according to the all members, they have submitted a blank cheque by way of security but due to some reason committee was stopped. The petitioner no. 1 and the petitioner no. 2 is only remaining members of that committee and the father of the petitioner no. 1.

5. Learned APP and learned counsel for the informant vehemently opposes the prayer of the anticipatory bail of the petitioners and submits there is specific allegation against the petitioner no. 1 that he issued a cheque in the name of the informant, which was bounced.

6. Considering the aforesaid facts and circumstances of the case, the prayer for grant of anticipatory bail of the petitioner no. 1 stands rejected.

7. So far as the petitioner no. 2 is concerned, the accusation against him is general and omnibus, therefore, this pre-arrest bail of the petitioner no. 2, namely, Kusheshwar Prasad Rai @ Kusheshwar Prasad Ray is allowed. In the event



of arrest/surrender within six weeks from today, let the petitioner no. 2, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of the learned J.M. 1st Class, Samastipur in connection with Mohiuddinnagar P.S. Case No. 44 of 2023, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Ayush/-

U		T	
---	--	---	--

