

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39122 of 2022

Arising Out of PS. Case No.-581 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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DHARMENDRA KUMAR Son of Late Bharat Mahto R/O Mohalla - New
Bus Stand, Bettiah, P.S.- Bettiah Town, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh, A.P.P.
For the Informant	:	Mr. Dhananjay Kumar No. 2, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 10-02-2023 Heard learned counsel for the petitioner, learned
A.P.P. and learned counsel for the informant.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 419, 420, 406, 467. 468,
471, 120B and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner has antecedent of one case but the said case also
arises and is on the same issue for which the present case has
been instituted and is in custody since 17.05.2022.

Learned counsel next submits that the informant
alleges that in his absence, during the period of corona, the
petitioner was looking after his mill, it is further alleged that
when the informant came back and started looking after his



business, he realized that the petitioner has swindled an amount of Rs. 1,50,00,000/- by resorting to forgery as detailed in the FIR.

Learned counsel further submits that the petitioner has been falsely implicated in the present case and he rebuts all allegations as alleged in the FIR, it is also submitted that for the same occurrence the informant as complainant filed Complaint Case No. 761C of 2021 under Section 406, 420, 120B, 467, 468, 471, 323, 504, 506 and 34 of the I.P.C. and read with Section 138 of the N.I. Act. Learned counsel next submits that in the said complaint case, informant, as complainant, was examined along with his witnesses but the Court was not satisfied that any case under the I.P.C. is made out and thus took cognizance only under Section 138 of the N.I. Act, it is thus submitted that the present FIR is an abuse of the process of the Court as the informant, by registering the present FIR, only intends to coerce the petitioner into submission for getting his money back for which High Court will never act as a recovery agent. Learned counsel next submits that since the cheque had bounced for which a complaint case has been instituted and, in the event, if it is proved that the petitioner had issued the cheque, for some consideration, then he will face the consequences.



Learned A.P.P. for the State and the learned counsel for the informant opposes the bail application but are not able to meet the submissions of the learned counsel for the petitioner that for the same offence, two cases have been instituted as aforesaid.

However, the learned counsel for the informant submits that once the petitioner will get bail, he will abscond.

Learned counsel for the petitioner rebuts the submission of the learned counsel for the informant and submits that the petitioner will never abscond, rather, will cooperate in the trial as and when charges are framed.

Considering the submission made by the learned counsel for the petitioner, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bettiah P.S. Case No. 581 of 2021.

However, if the learned Trial Court comes to a conclusion that the petitioner, after his release, is trying to delay the trial in any manner or by not appearing before the Court when called for, the learned Trial Court shall be at liberty to



cancel his bail bonds, after recording reasons, and to take all coercive steps to ensure that the petitioner is behind bars.

(Satyavrat Verma, J)

HarshPandey/-

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