

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47076 of 2023**

Arising Out of PS. Case No.-332 Year-2023 Thana- GAYA MUFASIL
District- Gaya

- =====
1. PINTU KUMAR son of Rajnandan Pandit Village- Mahuet Ps- Wazirganj
Dist- Gaya
 2. Rajnandan Pandit son of Musafir Pandit Village- Mahuet Ps- Wazirganj
Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No2
For the Opposite Party/s	:	Mr.Navin Kumar Pandey
For the Informant	:	Mr. Anant Kumar Mishra
		Mr. Ujjawal Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-10-2023 Heard Mr. Manish Kumar No.2, learned counsel for

the petitioner and Mr. Anant Kumar Mishra, learned counsel

for the informant as well as Mr. Navin Kumar Pandey, learned

A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Gaya Muffasil P.S. Case No.332 of 2023 registered for the
offence under Sections 341, 323, 379, 406, 420, 506 and 34 of
the Indian Penal Code and Section 138 of the Negotiable
Instrument Act.

The complainant is subjected to assault and loot on
the point of gun at the instance of the petitioners and others



when she was asking for return of her money of Rs. 2,00000/- which was given to the petitioner No.1 for treatment of his wife as against loan.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that for the same set of fact, the complainant has lodged a Muffasil P.S. Case No. 361 of 2022 alleging therein that petitioner No.1 has taken a loan from the complainant for treatment of his wife and when she asked for return of the said amount she was subjected to assault in which the petitioner has been taken into custody. Thereafter petitioner No.1 approached the informant after his release and given a cheque of Rs. 2,00000/- which is stated to have been dishonored and soon thereupon, the informant has instituted the present case against the petitioners with ulterior motive.

Learned counsel for the petitioners submits that since the matter relates to transaction of money covered under the N.I. Act, the complainant ought to have filed complaint case for the alleged offence but she intentionally violating the provisions of N.I. Act, filed the present F.I.R. without even annexing the dishonored cheque and its number.

Learned counsel for the informant submits that



petitioner No.1 has issued a cheque in favour of husband of the informant and said cheque stands dishonored and thereafter legal notice has also been served to the petitioners with respect to the cheque in question and he intends to misappropriate the informant's money.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of his arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class in connection with Gaya Muffasil P.S. Case No. 332 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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