

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46469 of 2023

Arising Out of PS. Case No.-853 Year-2022 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Gaurav Kumar Gupta Son Of Vijay Shankar Gupta @ Vijay Shankar Resident
Of Village Jani Bazar, Sasaram, Ps- Sasaram Town, Distt- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Umesh Prasad Singh Son of Harinndan Singh Resident Of Village Company
Sarai, Sasaram, Ps- Sasaram Town, Distt- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 23-08-2023 Heard the learned counsel for the petitioner and the

State.

2. The petitioner seeks bail, apprehending his arrest,

in connection with Complaint Case No. 853 of 2022, registered

for the offences punishable under Section 420 of the Indian

Penal Code and Section 138 of the N.I. Act.

3. As per the compliant case filed by the complainant,

the petitioner issued a cheque of ₹9 lacs to the complainant, but

the said cheque got dishonored on account of invalidity of

cheque.

4. The learned counsel for the petitioner submits that

the petitioner is innocent and the petitioner has falsely been

implicated in this case. He further submits that as per allegation,



the offence is neither made out under Section 138 of the N.I. Act, nor under Section 420 of the IPC.

5. It has further been stated in paragraph no.3 of the petition that the petitioner has no criminal antecedent.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

7. However, the learned APP for the State has opposed the prayer for bail.

8. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court, in connection with Complaint Case No. 853 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has concealed his criminal antecedent, the learned court below shall cancel the bail bond of the



petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

9. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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