

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46927 of 2023

Arising Out of PS. Case No.-86 Year-2012 Thana- PUSA District- Samastipur

AKASH KUMAR SONU S/O KAUSHALENDRA SINGH R/O House No.-
7, Rajput Nagar, P.O and P.S- Hajipur, Distt.- Vaishali 844101(Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratyush Pratap Singh
For the Opposite Party/s : Mr. Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420 of the Indian Penal Code.

3. As per the prosecution case, the petitioner issued cheque amounting Rs. 1,12,000/- in favour of the informant. However, when the informant presented the said cheque for its encashment, in the main branch Central Bank of India, Samastipur, the same was returned dishonoured with the remarks "Funds Insufficient". When the informant asked his due amount to the petitioner then petitioner refused to return the amount.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner has no knowledge about the present case as no notice was received by him nor any inquiry was made by the police officials in the present matter. Suddenly, after lapse of 10 years the police officials approached the petitioner, thereafter the petitioner moved before this Court for anticipatory bail. He further submits that the petitioner is ready to make payment/deposit of Rs. 1,12,000/- to the informant. Petitioner has two criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the statement of learned counsel at bar regarding payment/deposit of Rs. 1,12,000/- to the informant, let the above named petitioner, be released on **provisional bail** for six months, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Pusa P.S. Case No. 86 of 2012, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. The petitioner is directed to make payment/deposit of Rs. 1,12,000/- in the learned Court below and the learned Court below is directed to issue notice to the informant and give the said amount to the informant.

8. The learned Court below shall confirm the provisional bail of the petitioner after satisfying himself that the petitioner has deposited the said amount i.e. Rs. 1,12,000/-.

9. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

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

