

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51148 of 2023**

Arising Out of PS. Case No.-120 Year-2019 Thana- NALANDA COMPLAINT CASE  
District- Nalanda

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1. Ashish Kumar Son of Late Deepnarayan Prasad R/O-Begampur Kadamtal (Patna City), P.S.-Bypass, Distt.-Patna
  2. Hardaynath Mahto @ Hirdeynath Mahton Son of Late Ramsahay Mahto R/O-Outer (Bahri) Begampur Kadamtal, Patna City, P.S.-Bypass, Distt.-Patna, Pin Code-800009

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Subodh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

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

3      04-09-2023                      Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 420, 406 of the Indian Penal Code and Sections 138, 142 of the Negotiable Instruments Act.

3. As per prosecution case, cheque issued by these petitioners in favour of the complainant got bounced due to insufficient balance.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. As a matter of fact, a cheque of Rs. 4,50,000/- (four lacs fifty thousand) was



issued in favour of the complainant but somehow the amount on the said cheque was altered to Rs. 40,50,000/- (forty lacs fifty thousand). However, he submits that Rs. 4,50,000/- (four lacs fifty thousand) is the due amount that is to be given to the complainant by the petitioners and accordingly, they are ready to pay the same.

5. Considering the aforesaid contention made on behalf of the petitioners, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of six weeks from today, be enlarged 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 Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Complaint Case No. 120(c)/2019, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with direction to the petitioners that :-

(i) Petitioners shall refund Rs. 4,50,000/- (four lacs fifty thousand) through Bank Draft to the complainant at the time of furnishing bail-bond, failing which, the learned court below would be at liberty to cancel the bail-bond.

6. It is made clear that without going into the merit of



the case, this order has been passed for the purpose of bail.

**(Prabhat Kumar Singh, J)**

Navya/-

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