

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62881 of 2023

Arising Out of PS. Case No.-585 Year-2022 Thana- BUXAR District- Buxar

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Birendra Prasad Seth @ Virendra Pd. Seth S/O Rajendra Prasad Seth R/O
Village- Musafir Ganj, Po- Buxar Ps. Buxar (T), Dist. Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Dimpal Kumari

For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 420, 406 of the Indian Penal Code.

3. As per prosecution case, there was good relation between the petitioner and the informant for five years. The allegation against the petitioner is that he took 23 lacs from the informant for the purpose of business. Thereafter, the informant repeatedly demanded his loan amount for the treatment of his son which he gave to the petitioner. The petitioner gave a cheque of Rs. 23 lacs to Vijaya Bank. Informant deposited the said cheque in his bank i.e., Canara Bank but the same has been dishonoured saying that from the order of RBI, Vijaya Bank has



merged in the Bank of Baroda hence this cheque is invalid. Thereafter, informant sent a legal notice to the petitioner but he did not heed any attention of the same, hence this FIR has been registered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that without any receiving, it is impossible that anyone will give such huge amount in cash. The case at best comes under the purview of 138 of N.I Act or Money Suit not comes within the purview of Section 420 of the IPC. Nothing consistent material has come against the petitioner of committing fraud with the informant. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 21.07.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Buxar Town P.S. Case No.



585 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar.

(Sunil Kumar Panwar, J)

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