

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63177 of 2022

Arising Out of PS. Case No.-318 Year-2022 Thana- KHAGARIA District- Khagaria

Ranveer Kumar S/O Prabhu Prasad Yadav Resident of village- Purvi Thatha,
P.S- Manasi, Distt- Khagariya

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Khagaria P.S. Case No. 318 of 2022 registered for the alleged offences under Sections 406, 420, 506 of the Indian Penal Code and Section 138 of N.I. Act.

As per prosecution case, the informant extended loan of Rs.4,64,000/- to the petitioner and petitioner issued a cheque for the loan amount which was dishonoured for want of fund. Thereafter, despite repeated reminders, the petitioner refused to make the payment of his dues and also threatened the informant.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case and occurrence as alleged has never taken place. The petitioner was having business transaction with the informant and the money transaction was disputed and there was no fraud and cheating. If the cheque issued by the petitioner was dishonoured, the informant has remedy available under the process of law or he should file civil suit for recovery of the said money. The petitioner is in custody since 26.05.2022 and charge sheet has been submitted. The petitioner has got no criminal antecedent.

Learned A.P.P. for the State opposes the prayer for bail submitting that the petitioner with intention to grab the money of the informant and for not making the payment of the loan amount of Rs.4,64,000/-, deliberately issued the cheque though he was having insufficient amount in his account and this shows his deliberate intention to cheat the informant.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the case has been instituted for offences including one under Section 138 of the Negotiable Instruments Act by lodging an FIR and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above



named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/concerned court in connection with Khagaria P.S. Case No. 318 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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