

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60678 of 2022

Arising Out of PS. Case No.-330 Year-2020 Thana- BUXAR District- Buxar

ASHUTOSH SINGH @ ASHUTOSH KUMAR Son of Shambhu Sharan
Singh Resident of village - Oraap, P.S. - Itarhi, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saket Tiwary, Advocate
	:	Mr. Anuraj Singh, Advocate
	:	Mr. Saket Gupta, Advocate
For the Opposite Party/s	:	Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 23-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Buxar (Town) P.S. Case No.330 of 2020 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

As per the prosecution, the informant alleged that the bank in which he mortgaged gold weighing 129.5 grams against a loan of Rs.1,99,900/- had cheated and did not returned back



the deposited gold even after the repayment of said loan.

The main submissions advanced by the learned counsel Mr. Saket Tiwary for the petitioner are that there is an enormous delay in institution of the FIR, the informant had taken a loan of Rs.1,99,900/- from Muthoot Finance Limited and had pledged his ornaments as security and when he could not repay the loan then he misused the cheques given by this petitioner to show that he had given amount to the petitioner which was allegedly misappropriated by the petitioner. Further submission is that in respect of the same allegation, the informant had filed a complaint case on 13.03.2020 but there is contradiction in between the facts of the FIR of the present matter and the said complaint and the petitioner has fair and clean antecedent and during the petitioner's custody his wife gave birth to a baby on 09.11.2022 and on that basis the petitioner was granted Provisional Bail by a Co-ordinate Bench of this Court and after birth his child suffers from a Congenital disease and presently he is under treatment and has undergone Surgery and the petitioner has been languishing in jail since 17.08.2022.

Learned APP appearing for the State has opposed the bail prayer.



In view of the facts, as stated above, and mainly considering the nature of the allegation mentioned in the FIR and petitioner's clean antecedent and his custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Buxar (Town) P.S. Case No.330 of 2020.

(Shailendra Singh, J)

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