

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67920 of 2022

Arising Out of PS. Case No.-123 Year-2022 Thana- RAXAUL District- East Champaran

1. Surendra Patel S/O Sheobalak Patri R/O Village And P.O- Singhpur Hariya, P.S- Raxaul O.P, District- East Champaran-845305
2. Naveen Kumar Singh S/O Upendra Singh R/O Village And P.O- Singhpur Hariya, P.S- Raxaul O.P, District- East Champaran-845305

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vagisha Pragya Vacaknavi
For the State	:	Mr. Arun Kumar Singh
For the Informant	:	Mr. Vivekanand Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 09-10-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State assisted by learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 406, 34 of the Indian Penal Code and under Section 138 of the Negotiable Instruments Act.

3. As per the prosecution case, allegation against the petitioners is that they have given four cheques to the informant and when the informant presented the cheques for its enchashment, then they were dishonoured.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that the petitioners have already returned the principal amount to the informant. He further submits that Section 420 of the IPC does not attract against the petitioners, as the petitioner no. 2 has paid the part of the amount prior to the lodging of the FIR and it is also admitted by the informant that petitioners requested for the time for the payment of the rest amount and, therefore, no case of cheating is made out against the petitioners. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposed prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case and the fact that the petitioners have already returned the principal amount, let the above named petitioners, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is



pending/successor Court in connection with Raxaul P.S. Case
No.123 of 2022, subject to the condition as laid down under
Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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