

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13482 of 2024

Arising Out of PS. Case No.-157 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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Bishwanath Thakur S/o Late Asharfi Thakur Resident of Village - Basopatti,
P.S. - Basopatti, Dist. - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kailash Mishra, S/o Devendra Mishra, R/V Mangarpatti, P.S.Raj Nagar,
District Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP
Mr. Bimal Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 23-09-2024 Heard learned counsel for the petitioner, State and
informant/opposite party no. 2.

2. The petitioner apprehends his arrest in a case
punishable for the offence under Sections 420, 406 of the Indian
Penal Code and Section 138 of the N.I.Act.

3. It is a case of 'cheque bounce'. As per F.I.R.,
against purchase of iron from the shop of opposite party no. 2,
the petitioner issued a cheque worth Rs. 13,63,572/- to the
opposite party no. 2, which got bounced due to insufficient
fund.

4. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in this case. As a matter of



fact, the cheque book of petitioner was lost on 05.10.2018 in transit at Basopatti Bazar, in which four cheques, including the cheque in question, were duly signed by the petitioner and petitioner tried his best to trace the same, but it could not be traced out and therefore, he filed a Sanaha, vide Sanaha No. S.D.E. 93/19 dated 05.01.2019 in Basopatti Police Station, Madhubani (photocopy at Annexure – 2). However, without admitting the allegation made in the F.I.R., the petitioner is ready to deposit **Rs. 5,00,000/- (Rupees five lacs)** in easy installments in the Nazarat of concerned Civil Court, for which, learned counsel for the opposite party no. 2 does not oppose.

5. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail 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, Madhubani in connection with Town P.S. Case No. 157 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further following conditions:

“(A) At the time of furnishing bail-bond, the petitioner shall deposit **Rs. 2,00,000/-** (Two lacs) in the *Nazarat* of concerned Civil Court and receipt



of the same shall be furnished

(B) Rest amount i.e. **Rs. 3,00,000/-** (Three Lacs) shall be deposited in the *Nazarat* of concerned Civil Court in three equal installments of **Rs. 1,00,000/-** (one lac) each within a period of one year from the date of furnishing bail-bond.

(C) The aforesaid payment shall be subject to final outcome of the case.

(D) If petitioner fails to comply the direction of this Court, the learned Court below would be at liberty to cancel the bail-bond of the petitioner.”

6. This order has been passed, without going into the merit of the case, only for the purpose of considering the prayer for anticipatory bail of petitioner.

(Prabhat Kumar Singh, J)

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