

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14520 of 2024

Arising Out of PS. Case No.-221 Year-2023 Thana- RAXAUL District- East Champaran

1. Rajendra Das @ Arvind Kumar Das S/O Shiv Parsan Das @ Shiv Prasanna Das Resident Of College Road Raxaul, Ps.- Raxaul, Dist.- East Champaran.
2. Shiv Parsan Das @ Shiv Prasanna Das S/O Late Ram Ratan Das Resident Of College Road Raxaul, Ps.- Raxaul, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Surendra Kishore Thakur, the learned counsel for the petitioners and Mr. Rajendra Nath Jha, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Raxaul PS Case No. 221 of 2023, FIR dated 08.05.2023, registered for the offences punishable under Section 420 of the Indian Penal Code read with Section 138 of NI Act.

3. According to prosecution case, one Ajay Kumar @ Yogendra Das took a loan of Rs. 8,50,000/- (Rupees eight lakhs and fifty thousand) in cash from the informant and issued him a cheque of Rs. 8,50,000/- with the assurance that he can encash the same after one and half month. It is further alleged that the



said cheque was dishonoured.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR, in fact, the co-accused namely Ajay Kumar, who happens to be the son of the petitioner no. 2 and brother of the petitioner no. 1, has issued the cheque in favour of the informant and the petitioners have no concern at all with the present occurrence and even the petitioner no. 2 has filed a complaint petition dated 23.06.2022 before the concerned Court that petitioners have no concern with the co-accused Ajay Kumar and they live separately from him.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that petitioners are habitual and bare perusal of the paragraph no. 3 of the bail petition, it appears that similar nature of cases are pending against the petitioners, but fairly admits that out of three cases, in two cases police have submitted final form in favour of the petitioners and in the third case the matter is pending before the Court of law for consideration.



6. Considering the aforesaid facts and circumstances and the fact that the cheque was issued by the co-accused namely, Ajay Kumar and also the fact that petitioner no. 2 has filed a complaint petition before the concerned Court that they have no concern with the said co-accused, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, where the case is pending in connection with **Raxaul PS Case No. 221 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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