

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26007 of 2024

Arising Out of PS. Case No.-244 Year-2023 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Diwakar Sharan @ Vinod Kumar Srivastava Son of Late Prabhu Sharan
Srivastava Resident of Village- Ganauli, Police Station- Bettiah Muffasil,
District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Shankar Prasad Son of Ram Sharan Lal Resident of Mohalla- Deep
Colony Banuchapar, Police Station- Bettiah Banuchapar O.P. District- West
Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Ms. Preeti Kumari, Advocate
For the State	:	Mr. Pramod Kr. Pandey, APP
For Opposite Party No. 2:	:	Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 26-06-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a complaint
case registered for the offence punishable under Sections 420
and 406 of the Indian Penal Code and Section 138 of the
Negotiable Instruments Act.

3. It is a case of cheque bounce. Petitioner is alleged
to have issued two cheques worth amount of Rs. 8,00,000/-,
which have bounced due to insufficiency of funds.

4. It is submitted by learned counsel appearing on
behalf of the petitioner that the petitioner has been falsely
implicated in this case. The petitioner denies the allegations.



However, after some arguments, without admitting the guilt, it is further submitted that the petitioner is ready to deposit 50 per cent of the disputed amount amounting to Rs. 4,00,000/- (Rupees four lacs only) in easy installments.

5. Considering the aforesaid facts and circumstances, prayer for grant of anticipatory bail to the petitioner is allowed.

6. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner 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 Judicial Magistrate Ist Class, Bettiah at West Champaran, in connection with Complaint Case No. 244 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, along with the following terms and conditions:

- A. At the time of furnishing bail-bond **Rs. 2,00,000/-** (Rupees two lacs) shall be deposited through cash in the *Nazarat* of the Civil Court, Bettiah at West Champaran.
- B. Rest amount i.e. **Rs. 2,00,000/-** (Rupees two lacs) shall be deposited in the *Nazarat* of Civil Court, Bettiah at West Champaran, in four equal installments within a period of one year from the date of furnishing bail-bond.
- C. The aforesaid payment shall be subject to the final outcome of the case.
- D. If petitioner fails to comply the aforesaid direction of this Court, the Court below is



free to cancel the bail-bond of the petitioner.

7. It is made clear that without going into the merit of the case, the aforesaid order has been passed only for the purpose of grant of bail.

(Prabhat Kumar Singh, J)

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