

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30207 of 2023

Arising Out of PS. Case No.-127 Year-2020 Thana- GAYA KOTWALI District- Gaya

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Anju Devi, Wife Of Late Narendra Kumar @ Late Narendra Pal Singh
Resident Of Sidharthpuri Colony, Road No. 1, P.S. - Muffasil, Distt. - Gaya

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Dilip Kumar, S/o Late Bhola Prasad, R/o Mohall-Shahid Road, Near Prem
Talkies, P.S.- Kotwali, District- Gaya.

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 30235 of 2023

Arising Out of PS. Case No.-127 Year-2020 Thana- GAYA KOTWALI District- Gaya

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Shishupal Singh @ Sonu Singh @ Shishupal Kumar, Son Of Late Narendra
Kumar @ Late Narendra Pal Singh Resident Of Sidharthpuri Colony, Road
No. 1, P.S. - Muffasil, Dist. - Gaya

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Dilip Kumar, S/o Late Bhola Prasad, R/o Mohall-Shahid Road, Near Prem
Talkies, P.S.- Kotwali, District- Gaya.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 30207 of 2023)

For the Petitioner/s : Mr.Syed Asgher Najmi
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh
Mr.Shakti Suman Kumar
Mr.Atul Shankar

(In CRIMINAL MISCELLANEOUS No. 30235 of 2023)

For the Petitioner/s : Mr.Syed Asgher Najmi
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh
Mr.Atul Shankar
Mr.Shakti Suman Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-08-2024 **CRIMINAL MISCELLANEOUS No. 30235 of 2023**

1. Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the informant and learned APP



for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code and Section 138 of the N. I. Act.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that he was known to the petitioner. Thus, the petitioner along with his mother on 25.06.2019 came to his house and informed that they have a house at Siddharthpuri Colony where construction work is going on and for the said purpose, they have also applied for the loan from the bank, but then, they are facing financial difficulties, as such, they requested for a loan of Rs.15 Lacs with a condition that the entire loan amount would be returned by 20.10.2019 and in the event, if the loan amount is not returned, in that event, they will execute sale deed with respect to half portion of their land from the Eastern side. Accordingly, the said amount was given to the accused persons including the petitioner for which an agreement was also entered. It is next alleged that when the informant demanded his money back on 20.10.2019, on which the accused persons including the petitioner sought time of one week and



thereafter, the petitioner issued a cheque of Rs.10 Lac, but the same on presentation for encashment bounced and the rest Rs.5 Lacs was never returned, nor the sale deed was executed.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case. It is also submitted that even presuming what has been alleged is true without admitting, then offence under Section 138 of the N.I. Act is a bailable offence and in the event, if the informant is aggrieved by the fact that petitioner has not returned the amount which was taken by way of loan, in that event, the informant has remedy of approaching a Court of competent civil jurisdiction.

5. The learned counsel appearing on behalf of the informant submits that petitioner has not approached this Court with clean hands. It is submitted that at Para-3, it has been pleaded that petitioner is a person with clean antecedent, but then, he has antecedent of two cases.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty five Thousand) with two sureties of the like amount



each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Kotwali P. S. Case No.127 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

CRIMINAL MISCELLANEOUS No.30207 of 2023

1. Heard learned counsel for the petitioner, the learned counsel appearing on behalf of the informant and learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code and Section 138 of the N. I. Act.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a woman. It is further submitted that son of the petitioner had moved this



Court seeking anticipatory bail by filing Cr. Misc. No.30235 of 2023 (Shishupal Singh @ Sonu Singh @ Shishupal Kumar vs. the State of Bihar) and this Court after hearing the parties and recording the facts of the case in detail was pleased to grant the privilege of anticipatory bail to Shishupal Singh. It is next submitted that case of the petitioner is on a better footing and she has been implicated being mother of Shishupal Singh.

4. The the learned counsel appearing on behalf of the informant as well as learned A.P.P. opposes the anticipatory bail application, but are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that Shishupal Singh has been granted the privilege of anticipatory bail.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Kotwali P. S. Case No.127 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



6. The application stands allowed.

(Satyavrat Verma, J)

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