

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81094 of 2024

Arising Out of PS. Case No.-17 Year-2022 Thana- VAISHALI District- Vaishali

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1. Ajeet Kumar Son of Late Meghnath Bhagat R/O Village- Chintamanipur, P.S.- Belsar O.P., District- Vaishali
 2. Radha Devi Wife of Kedarnath R/O Village- Chintamanipur, P.S.- Belsar O.P., District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Pram Kishore Singh @ Papu Singh Son of Satey Narayan Singh R/O Village- Rampur Horil, P.S.- Belsar O.P., District- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 10-12-2024 Heard learned counsel for the petitioners and Mr.Ashok Kumar Singh learned APP for the State and learned counsel for the informant.

2. The instant application for anticipatory bail have been filed by the petitioners apprehending their arrest in connection with Vaishali P.S. Case No. 17/2022 registered for the offence under Sections 406/420 of the Indian Penal Code and Section 138 of N.I. Act.

3. The case of the prosecution is that petitioners have taken Rs. 18 lakh (Rupees eighteen lakh) from the informant. It is alleged in the FIR itself that these amount was handed over to



the petitioners before many persons. It is further alleged that these petitioners have issued cheques and those cheques were dishonored.

4. Learned counsel for the petitioners submitted that petitioners are innocent and have falsely been implicated in this case. During the course of argument, learned counsel for the petitioners submitted that there is no document regarding handing over of such a huge amount regarding cheques. The learned counsel for the petitioners have submitted that the informant used to visit their house for many time. They may have obtained it from their house. From the perusal of the FIR the admitted position is that the petitioners have issued cheques which got dishonored. It is simply an allegation under Section 138 of the N.I. Act, which is bailable in nature a case under Section 138 can only be filed through complaint as provided under Section 142 of the N.I. Act. The petitioner no. 1 has one criminal antecedent and petitioner no. 2 has clean antecedent.

5. In contra, learned APP appearing for the State and learned counsel for the informant have opposed the prayer of bail of the petitioners.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this



Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Vaishali P.S. Case No. 17/2022, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each of them with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Vaishali at Hajipur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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