

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77705 of 2023

Arising Out of PS. Case No.-180 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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Nagendra Kumar Sinha Son of Late Sidheshwar Prasad Sinha R/o vill -
Daranagar, P.S. - Nauhatta, Distt. - Rohtas, At present r/o Ram Ras Nagar, P.S.
- Aurangabad Town, Distt. - Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mohan Prasad Singh S/o. Late Shivjag Singh, R/o. Sanskar Colony
opposite to W.H.O. Office, Karma Road, Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 19-03-2024 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

2. The petitioner seeks regular bail in connection with

Aurangabad Town P.S. Case No.180 of 2018, lodged on

10.06.2018, under Sections 420/406 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner

has taken Rs.5,50,000/- as loan from the informant and in return

of the same he has provided two cheques of Rs.2,24,200/- and

Rs.1,20,000/-, but the said cheques were bounced back when it

was presented in the State Bank of India, Aurangabad Branch,

due to insufficiency of fund in the account of the petitioner. It



has been alleged in the FIR by the informant that petitioner is a senior citizen has deposited money during his service but the petitioner has taken loan put the informant in good faith and not returned the same.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the allegation made in the FIR is correct that he has taken money. He is also not denying that cheques have not been bounced but simultaneously he submits that he is not in a position to return the money at present but assures to this Court that he shall return the money. Counsel for the petitioner submits that antecedent of the petitioner is not clean. There is two criminal cases pending against the petitioner in which he has been acquitted in one case and in another he is on bail. The petitioner is in custody since 20.06.2023. Counsel submits that charge sheet has already been filed against the petitioner.

5. Learned counsel for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner has committed criminal breach of trust with the informant, who is an old aged person and his hard earned money has been garbed



by the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be **released on provisional bail** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Aurangabad Town P.S. Case No.180 of 2018, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(vi) **The petitioner shall deposit 50 per cent of the amount of the bouncing cheques to the informant within three months from coming out of the jail. If he shall not pay the said 50 percent of the bounced amount to the informant within three months his provisional bail shall not be confirmed and his bail bonds shall stand cancelled.**

(Dr. Anshuman, J)

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