

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84466 of 2024

Arising Out of PS. Case No.-409 Year-2016 Thana- BETTIAH CITY District- West
Champaran

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Daroga Sah Son of Bikaau Sah @ Biku Sah Resident of village-Purani Gudari
Daakkhana, PS -Bettiah Nagar District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sujeet Kumar, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-12-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Bettiah Nagar P.S. Case No. 409 of 2016, dated 01.08.2016, registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code and Section 138 of the N.I. Act.

3. As per the allegation, Rs. 9,90,000/- was given by the informant to the accused person as a loan, but on demand of the same, he is not returning his money. One cheque was issued by the petitioner, but that cheque has got dishonored.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits that as per the alleged facts and circumstances, at most civil dispute is made out and the offence under Section 138 of the N.I. Act is bailable.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in two other cases in which he is on bail.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. District and Sessions Judge, Bettiah, West Champaran, in connection with Bettiah Nagar P.S. Case No. 409 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:



(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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