

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85886 of 2023

Arising Out of PS. Case No.-447 Year-2022 Thana- KHAIRA District- Jamui

Bhola Kumar Yadav @ Bhola Yadav Son of Indradeo yadav Resident of
Village - Gopalpur, Police station - Khaira, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Khaira P.S. Case No. 447 of 2022, registered for the alleged offence under Sections 406/420 of the Indian Penal Code.

03. As per prosecution case, the petitioner purchased ornaments from the shop of the informant worth of Rs.1,08,773/- and also took from him Rs. 31,275/- in cash and gave him a cheque of Rs. 1,40,000/-, which was dishonoured for want of sufficient fund.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has neither purchased any ornaments from



the shop of the informant nor taken any money in cash. Moreover, a cheque was issued to the informant by the petitioner, but there was no question of cheating or criminal breach of trust. Learned counsel further submits that the informant has not annexed the cheque or the memo of return while filing his written report. Learned counsel further submits that for an occurrence of 2nd of July, 2022, the written report was given on 19.11.2022 and there is no explanation for such delay. The petitioner is having criminal antecedent of two cases.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that in paragraph-3 of the case diary it has come that three annexures were perused by the Investigating Officer which are the cheque issued by the petitioner, memo of return and an agreement between the petitioner and the informant duly witnessed and the petitioner gave undertaking to return the money.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of dispute which arises from monetary transaction, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui/concerned court in connection with Khaira P.S. Case No. 447 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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