

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2621 of 2024

Arising Out of PS. Case No.-504 Year-2022 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Bhavnath Jha S/O Late Buchai Jha R/O Village- Sankaurth, P.S- Pandaul,
Distt.- Madhubani, Mobile No. 9135000053.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bechan Jha S/O Late Kapileshwar Jha R/O Village And P.O- Jaidev Patti,
P.S- Ghanshyampur, Distt.- Darbhanga At Present New Colony
Pokhariyapeer, In Front Of Ujjwal Vidyapeeth, Atardah, Post- Ramna, P.S-
Kaji Mohammadpur, Distt.- Muzaffarpur, Pin- 842002.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Lovekush Kumar, Advocate
For the State	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Mr. Mr. ratneshwar Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned Sr. Counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Complaint Case No. 504/2022 filed on 25.03.2023 wherein
cognizance has been taken under Sections 406 and 420 of the
Indian Penal Code and Section 138 of the Negotiable
Instruments Act, 1881.

3. Learned Sr. Counsel for the petitioner submits that
prior to the filing of the present case, Complaint Case No. 2672
of 2020 has been filed in the year 2020 levelling accusation



under Section 138 of the Negotiable Instruments Act, 1881 for bouncing cheques amounting to Rs.30,00,000/- (Only Thirty Lacs) in which the trial court has granted bail to the petitioner imposing a condition that he shall pay 20 % of the cheque amount of Rs.30,00,000/- (Rupees Thirty Lacs), i.e. Rs.6,00,000/- (Rupees Six Lacs) to the informant of the earlier complaint case.

4. Learned Sr. Counsel for the petitioner further submits that the present petitioner has paid Rs.6,00,000/- as per undertaking but a cheque of Rs.50,000/- (Rupees Fifty Thousand Only) was bounced and thereafter, the complainant has filed the present complaint case wherein cognizance has been taken under Section 138 of the Negotiable Instruments Act and Sections 406 and 420 of the Indian Penal Code. Learned Sr. Counsel for the petitioner further submits that the petitioner is paying a demand draft of Rs.60,000/- bearing No.535530, dated 23.12.2024, issued by the S.B.I. and as such, the grievances of the present case in which the petitioner is seeking bail bearing Complaint Case No. 504/2022 has been resolved. The petitioner is in custody since 08.11.2023.

5. Learned counsel for the opposite party No.2 is ready to accept the said demand draft in the Court itself. He



further submits that he is receiving the said demand draft today in the Court and acknowledges the same in the records of the case. As such, he has no objection in granting the bail to the petitioner.

6. Learned counsel for the State has also no objection in granting the bail to the petitioner in view of the aforesaid background.

7. In the present facts and circumstances of this case, let the petitioner above named, be granted 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 ACJM 14th Muzaffarpur (East) Bihar, in connection with Complaint Case No. 504/2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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