

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2928 of 2024

Arising Out of PS. Case No.-142 Year-2022 Thana- RUPAULI District- Purnia

Sanjay Jaiswal Alias Sanjay Kumar Alias Sanjay Kumar Jaiswal Awadhesh Jaisawal @ Gulo Resident of Village- Mohanpur Bazar, P.S.- Rupauli, Dist.- Purnea

... .. Petitioner/s

Versus

The State of Bihar Resident of Village- Mohanpur Bazar, P.S.- Rupauli, Dist.- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Raj Kumar, Advocate
For the State	:	Ms. Anita Kumari, APP
For the Informant	:	Mr. Debesh Kr. Poddar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-03-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 420, 406, 506 and 120B of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

3. It is a case of cheque bounce. Petitioner is alleged to have issued the cheque in question which has bounced due to insufficiency of funds.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner has been falsely implicated in this case. No such cheque as alleged has been issued by the petitioner. It is next submitted that the informant



has neither complied with provisions under Section 138 of the Negotiable Instruments Act nor Section 143 of the Negotiable Instruments Act. It is further submitted that petitioner is ready to deposit the disputed amount amounting to Rs. 14,40,000/- (Rupees fourteen lacs forty thousand only).

5. Considering the aforesaid facts and circumstances, prayer for grant of anticipatory bail to the petitioner is allowed.

6. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Purnea, in connection with Rupauli (Mohanpur O.P.) P.S. Case No. 142 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, along with the following terms and conditions:

- A. At the time of furnishing bail-bond **Rs. 2,00,000/-** (Rupees two lacs) shall be deposited through cash in the *Nazarat* of the Civil Court, Purnea.
- B. Rest amount i.e. **Rs. 12,40,000/-** (Rupees twelve lacs forty thousand) shall be deposited in the *Nazarat* of Civil Court, Purnea, in equal monthly installments within a period of two years from the date of furnishing bail-bond.
- C. The aforesaid payment shall be subject to the final outcome of the case.



D. If petitioner fails to comply the aforesaid direction of this Court, the Court below is free to cancel the bail-bond of the petitioner.

7. It is made clear that without going into the merit of the case, the aforesaid order has been passed only for the purpose of grant of bail.

(Prabhat Kumar Singh, J)

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