

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40607 of 2024

Arising Out of PS. Case No.-1591 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Jawahar Prasad @ Jawahar Lal Sah S/o Late Ram Swroop Sah R/o vill - Laxmi Pur Sagardina, P.s. - Chiraiya, Distt. - East Champaran
 2. Suresh Prasad S/o Nand Lal Prasad R/o vill - Laxmi Pur Sagardina, P.s. - Chiraiya, Distt. - East Champaran
 3. Manoj Prasad S/o Jawahar Prasad R/o vill - Laxmi Pur Sagardina, P.s. - Chiraiya, Distt. - East Champaran
 4. Vikash Prasad @ Vikash Kumar S/o Jawahar Prasad R/o vill - Laxmi Pur Sagardina, P.s. - Chiraiya, Distt. - East Champaran
 5. Munni Devi W/o Manoj Prasad R/o vill - Laxmi Pur Sagardina, P.s. - Chiraiya, Distt. - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Guriya Begam W/o Firoz Alam R/o Mohalla - Siri Tegharia, ward no. 8, Kishanganj, Distt. - Kisanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s :	Mr. Madan Kumar, A.P.P.
	Mr. Afham Akhtar, Adv./Mr. Ashar Akhtar, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 05-02-2025 Heard learned counsel for the petitioners, State and complainant/opposite party no. 2.

2. The petitioners apprehends his arrest in a complaint case punishable for the offence under Sections 406, 420, 323, 341, 354(B), 384, 307 of the Indian Penal Code, in which cognizance was taken under Sections 406, 420, 341, 323 and 506 of the Indian Penal Code.



3. As per prosecution case, petitioner no. 3 (Manoj Prasad) operates a bank in the name and style of '*Sadesh Bachat and Loan Corporative Limited*', in which complainant deposited Rs. 7,44,895/- and when complainant demanded her money, the petitioner no. 3 issued four cheques, but the said cheques got bounced due to insufficiency of fund.

4. Learned counsel for the petitioners submits that petitioner no. 1 is father, petitioner nos. 2 & 4 are brother and petitioner no. 5 is wife of petitioner no. 3. The entire accusation is against petitioner no. 3, but other petitioners have been made accused in this case merely because they happen to be close relatives of petitioner no. 3. However, without admitting the allegation made in the complaint petition, the petitioners are ready to deposit **Rs. 5,00,000/- (Rupees five lacs)** in easy installments in the Nazarat of concerned Civil Court, for which, learned counsel for the opposite party no. 2 does not oppose.

5. Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East



Champaran at Motihari in connection with Trial No. 1907 of 2022, arising out of Complaint Case No. 1591 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further following conditions:

“(A) At the time of furnishing bail-bond, the petitioners shall deposit **Rs. 1,00,000/-** (One lacs) in the *Nazarat* of concerned Civil Court and receipt of the same shall be furnished alongwith bail-bonds.

(B) Rest amount i.e. **Rs. 4,00,000/-** (Four Lacs) shall be deposited in the *Nazarat* of concerned Civil Court in six installments within a period of one year from the date of furnishing bail-bonds.

(C) The aforesaid payment shall be subject to final outcome of the case.

(D) If petitioners fail to comply the direction of this Court, the learned Court below would be at liberty to cancel the bail-bonds of petitioners.”

6. This order has been passed, without going into the merit of the case, only for the purpose of considering the prayer for anticipatory bail of petitioners.

(Prabhat Kumar Singh, J)

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