

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83963 of 2024

Arising Out of PS. Case No.-172 Year-2021 Thana- KISHANPUR District- Supaul

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Braj Kishor Sah S/O Hriday Lal Sah Resident of Village - Rasulpur Habib
(Chandpura Bazar), Police Station -Desari, Dist- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Yogendra Prasad Yadav S/O Late Jagdish Prasad Yadav Resident of Village -
Naua Bakhar, Police Station- Kishanpur, Dist- Supaul.

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ranjeet Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-05-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The present criminal miscellaneous application has
been filed under Section 482 of the Bharatiya Nagarik Suraksha
Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for
grant of anticipatory bail to the petitioner who apprehends arrest
in connection with Kishanpur P.S. Case No. 172 of 2021, lodged
on 08.09.2024, under Section 138 of the N.I. Act.

3. As per the prosecution, FIR has been lodged against
two named accused persons including the present petitioner.



Allegation of bouncing of cheque of rupees one lac has been alleged against the present petitioner.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that unique procedure has been adopted in the present case. He submits that for offence under Section 138 N.I. Act FIR has been lodged but police has filed charge-sheet 406 and 420 of the Indian Penal Code and Court has taken cognizance under Sections 406, 420 of the Indian Penal Code and under Section 138 of the N.I. Act. Counsel submits that the criminal antecedent of the petitioner is clean. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Supaul, in connection



with Kishanpur P.S. Case No.172 of 2021, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

Mkr./-

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