

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84203 of 2024

Arising Out of PS. Case No.-1654 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Avinash Kumar S/O Dashrath Singh @ Shri Dashrath Jee Resident of Mohalla Pankha toil, Aamgola, P.S.- Kazi Mohammadpur, District Muzaffarpur and proprietor of Sahitya Sangam, Dipak Market, Motijhil, P.S.- Town, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv prakash Khemka son of Late Kheta Ram Resident of Mohalla , Arya Samaj Road, ward no.- 17, P.S.- Samastipur Town, District - Samastipur and proprietor Ply wood centre, Uma Devi khemka, wife of Shiv Prakash Khemka.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, A.P.P.
For O.P. No. 2	:	Mr. Manish Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-01-2025 Heard learned counsel for the parties.

2. Petitioner apprehends arrest in a case registered for the offences punishable under Sections 420, 406 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

3. As per prosecution case, a cheque of Rs. 4 lacs, issued by this petitioner, got bounced due to insufficiency of fund.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Petitioner runs a paper shop at Muzaffarpur and he was in business term



with son-in-law of the complainant. He further submits that during the course of business term, petitioner has given blank cheque to the son-in-law of the complainant for security and he used the cheque without his knowledge and consent. However, without admitting his guilt, the petitioner is ready to pay Rs. 4,00,000/- (Rs. Four Lacs) in easy installments.

5. Considering the aforesaid contention made on behalf of the petitioner, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of eight weeks from today, 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 Chief Judicial Magistrate, Samastipur in connection with Complaint Case No. 1654/2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with direction to the petitioner that :-

(i) Petitioner shall deposit Rs. 1,00,000/- (Rs. One Lac) through Bank Draft in the *Nazarat* of the court below and produce its receipt at the time of furnishing bail-bond and thereafter, rest amount i.e., 3,00,000/- (Rs. Three Lacs) shall be deposited in three equal installments i.e. Rs. 1,00,000/- (Rs. One



Lac) each within one year through Bank Draft in the *Nazarat* of the court below, failing which, the learned court below shall be at liberty to cancel the bail-bond.

6. It is made clear that without going into the merit of the case, this order has been passed only for the purpose of bail and payment of aforesaid amount shall be subject to the final outcome of the case.

(Prabhat Kumar Singh, J)

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