

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87729 of 2024

Arising Out of PS. Case No.-2034 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

=====

Rakesh Kumar Mahto @ Rakesh Kumar S/o- Narayan Mahto @ Sri Lal
Mahto Village- Kastoli Samsa Ps- Mansoorchak Dist- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satto Kumar S/o- Ramdhani Sah Village- Bishnupur Ps- Bhagwanpur Dist-
Begusarai

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate
For the State : Mr. Ajay Kumar Jha, APP

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-01-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with
Complaint Case No. 2034C of 2022 dated 14.11.2022 filed
under Sections 341, 323, 420 and 406/34 of the Indian Penal
Code but learned Magistrate took cognizance of the offence
punishable under Sections 420, 406 and 504 of the Indian Penal
Code.

3. As per the allegation, the complainant had sold
chura and *murhi* (form of rice) to the accused for Rs.1,78,525/-.
However, only part payment was made towards the



consideration of the sale and for the rest amount, the petitioner issued cheque of Rs.60,000/- which has been dishonoured on account of mismatch of signature.

4. Ld. counsel for the petitioner submits that petitioner had issued the cheque in question and he is ready to pay the total cheque amount of Rs.60,000/- to the complainant and he may be enlarged on bail subject to the condition that at the time of furnishing the bail bond, he will furnish bank draft of Rs.60,000/- in the name of the complainant in the Court below, so that the Court below may handover the bank draft to the complainant.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the submission of the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of



eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Begusarai in connection with Complaint Case No. 2034C of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(iii) Petitioner is directed to furnish the bank draft along with the bail bond.

(Jitendra Kumar, J.)

ravishankar/-

U		T	
---	--	---	--

