

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89387 of 2024

Arising Out of PS. Case No.-742 Year-2022 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

Janardhan Tiwary @ Janardhan Tiwari S/O Late Vedbyash Tiwary Resident of
Village- Noniya Chhapar, P.S.- Bhorey, Distt.- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mashusudan Tiwari @ Mashusudan Tiwari S/O Late Ramakant Tiwari R/O
Village- Noniya Chhapar, P.S- Bhorey, Distt.- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewanand Tiwari, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-05-2025 Heard Mr. Dewanand Tiwari, learned counsel for the

petitioner as well as learned counsel for the complainant and

Ms. Rita Verma, learned Additional Public Prosecutor for the

State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 742 of 2022 Tr. No. 1834
of 2024 for the offences punishable under Section 420 of the
Indian Penal Code and Section 138 of Negotiable Instrument
Act.

3. According to prosecution case, the petitioner got
a sale deed from the complainant for two of kathha of land for
consideration of amount Rs. 5,51,000/- (Rs. Five lakh and fifty



one thousand) and out of that consideration amount Rs. 51,000/- (Rs. Fifty one thousand) has been paid as advance. It is further alleged that when the complainant presented the cheque so given to him as a security then the same turned dishonoured by the bank.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that although there is specific allegation against this petitioner that he has given old dated cheque of Rs. 5,00,000/- (Rs. Five lakhs) in favour of the complainant and the same was dishonored by the bank concerned. He further submits that in fact, the complainant had disputed a sale deed in favour of the petitioner but the petitioner did not pay the considerable amount as yet.

5. Learned counsel for the petitioner further submits that from perusal of the counter affidavit filed on behalf of the complainant, it appears that the complainant has received Rs. 79,000/- (Rs. Seventy nine thousand) from the petitioner and now only Rs. 4,21,000/- (Rs. Four lakh and twenty one thousand) is rest to be paid according to the case of the complainant. He further submits that on the basis of the instruction received from the petitioner fairly submits that the



petitioner is ready to pay Rs. 2,00,000/- (Rs. Two lakhs) at the time of furnishing bail bond to the complainant and the rest amount will be subject to the result of the case.

6. The learned counsel for the complainant has no objection, if the petitioner will pay Rs. 2,00,000/- (Rs. Two lakhs) to the complainant (O.P. No. 2).

7. Considering the aforesaid fact and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-I, Gopalganj in connection with v, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. the petitioner is directed to produce a demand draft (DD) of Rs. 2,00,000/- in favour of the complainant and the learned Court below is directed to hand over the said demand draft (DD) to the complainant or his representative at the time of furnishing bail bond,

ii. Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

iii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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