

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.32709 of 2015**

Arising Out of PS.Case No. -592 Year- 2014 Thana -GAYA KOTWALI District- GAYA

=====

Arun Kumar Mahatha @ Arun Kumar Mehatha S/o Mahatha Kesari  
Nandan Resident of Mohalla New Area, Bisal Road, P.S. Civil Lines,  
District Gaya.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Ramashish, Advocate.

For the Opposite Party : Mr. Bharat Lal (App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      20-08-2015      Heard both sides.

The petitioner seeks bail in a case registered for the offences punishable under Section 406 and other Sections of the Indian Penal Code.

The informant made allegation that he got power of attorney to execute the sale deed of the lands of Maria Kutti, but the petitioner had already sold the lands of Maria Kutti. The informant returned the money to the purchaser of the land for which the sale deed was executed by the informant. It is alleged that in lieu thereof the petitioner issued a cheque of Rs. 30,00,000/- and the same was dishonoured on account of the insufficiency of fund.

It is submitted that the informant earlier filed complaint case under Section 138 of the Negotiable Instrument Act on 20.09.2014 and on the same and similar facts the present case is filed before the SHO of

Civil Lines Gaya. It is further submitted that the petitioner, if at all, sold the land of Maria Kutti, but she did not file any case against the petitioner for committing any forgery. At best the petitioner is liable to be prosecuted under Section 138 of the Negotiable Instrument Act. As the petitioner issued cheque in favour of the informant for which the informant lodged the Complaint Case No. 1648 of 2014 in the court of the learned Chief Judicial Magistrate, Gaya. The present case is unwarranted and only to put undue pressure on the petitioner.

Learned counsel for the informant, however, vehemently opposed the prayer for bail and submitted that the petitioner is in the habit of issuance of cheques for the purpose of dishonouring. He is accused in another case also.

Considering the facts aforesaid and the nature of allegations made against the petitioner, he above named is directed to 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 the learned Chief Judicial Magistrate, Gaya in Kotwali P.S. Case No. 592 of 2014, subject to the condition that one of the bailors shall be local person and having substantial and immovable property of more than Rs. 30,00,000/-.

**(Prabhat Kumar Jha, J.)**

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