

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43367 of 2015**

Arising Out of PS.Case No. -94 Year- 2015 Thana -HASPURA District- AURANGABAD

=====

Krishna Kumar S/o Jagdish Mahato Resident of Village- Mamranpur P.s  
Daudnagar, District Aurangabad.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Kumar Singh, Adv.

For the Opposite Party/s : Mr. M.Rab(App)

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

2      18-09-2015      Heard both sides.

The petitioner seeks bail in Haspura P.S. Case no. 94/2015, registered for the offences punishable under Sections 420, 406 of the Indian Penal Code.

The informant alleged that the petitioner took Rs. 30 lacs and handed over six cheques each of five lacs. The amount was to deliver by 31<sup>st</sup> May, 2015. The money was taken for installation of rice mill but all the cheques were bounced.

It is submitted that an agreement was also executed. At best it is a case under Section 138 of the N.I. Act. The petitioner did not commit any criminal breach of trust or cheated the informant.

On the other hand, learned counsel for the informant as well as learned Additional P.P. vehemently opposed the prayer for bail

and submitted that the petitioner is in the habit of taking loan and three cases are pending against him, even charge-sheet has been submitted.

Having considered the facts that in pursuance of an agreement the money Rs. 30 lacs are said to have been handed over to the petitioner for opening a rice mill on 8.10.2014. The petitioner was to deliver the entire amount by 31<sup>st</sup> May, 2015. The petitioner handed over cheques to the informant. Those were dishonoured. The case is of breach of contract and dishonouring of cheque, the petitioner 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 Judicial Magistrate 1<sup>st</sup> Class, Daudnagar, Aurangabad, in connection with Haspura P.S. Case no. 94/2015.

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

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