

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38086 of 2015

Arising Out of PS.Case No. -2618 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Mr. Alok Kumar @ Alok Kumar S/o- Sri Shailendra Prasad Singh,
Resident of village- Chandrapura, P.S.- Biddupur, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Anil Kumar Pal S/o Late Achey Lal, Resident of Mohalla- Golghar, P.S.-
Gandhi maidan, P.O.- G.P.O. District- Patna

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh-I(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 26-11-2015 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No. 2618(C)/2013, registered for the offences punishable under Section 406, 420 and 427 of the Indian Penal Code and 138 of the Negotiable Instrument Act.

The complainant alleged that the petitioner took money of Rs. 2,15,000/- through cheque and Rs. 3,20,000/- in cash for selling a piece of land. The petitioner gave a cheque of Rs. 2,50,000/-, but the same was dishonoured.

Learned counsel for the petitioner submits that the petitioner is tenant of the complainant. The petitioner gave money

of Rs. 5,00,000/- to the complainant and a post dated cheque of Rs. 2,50,000/- for jointly purchasing a piece of land, but the land could not be purchased. The complainant taking advantage of post dated cheque lodged this case on false and fabricated allegation, but the petitioner is ready to pay Rs. 2,50,000/- out of which petitioner has already paid Rs. 50,000/- on 11.07.2013 through RTGS and the remaining amount of Rs. 2,00,000/- he shall pay within four weeks.

On the other hand, learned counsel for the complainant vehemently opposed the prayer for bail and submitted that the petitioner did not return the entire amount.

Considering the nature of allegation against the petitioner and the fact that the petitioner is ready to pay Rs. 2,00,000/- through draft within four weeks, the petitioner, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Ist Class, Patna in connection with Complaint Case No. 2618 (C)/2013, subject to the conditions as laid down under Section 438(2) of the Cr. P.C. If the petitioner fails to return Rs. 2,00,000/-

within six weeks from the date of this order the learned court
below shall cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J.)

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