

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36786 of 2014

Arising Out of PS.Case No. -3218 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Niraj Kumar Singh S/o Subodh Kumar Singh Resident of village- Kodariya,
P.S.-Siwaipatti, District- Muzaffarpur at present Residence of M ohalla-
Akharha Ghat Sadhu Gachhi, P.S.- Ahiyapur, District- Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : M/s A.K. Thakur and
Dudh Nath Singh, Advocates

For the Opposite Party : Mr. Navin Kr. Panday, APP

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 20-02-2015 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the
offences punishable under section 420 of the Indian Penal Code.

It is submitted that co-accused Mahesh Kumar Choudhary
took four lacs from the complainant and further demanded three
lacs in the name of the petitioner. The same was, accordingly,
given to him though later on the complainant allegedly came to
know that the aforesaid Mahesh Kumar Choudhary had executed a
power of attorney in favour of another person, namely, Sanjay
Gupta who had executed another power of attorney in favour of
Jawahar Gupta and the petitioner had stood as a witness to the
aforesaid power of attorney.

However, it is submitted on behalf of the petitioner that, in

fact, the complainant was negotiating to sell his car to him for which he had paid an amount of three lacs by a cheque. Since the deal could not materialise, the petitioner demanded his money back which was given to the petitioner by the concerned cheque which could not be encashed due to the closure of the concerned Bank Account of the complainant for which a Complaint Case No. 2500 of 2000 was filed by the petitioner which is pending before the court of a Judicial Magistrate, Ist Class, Muzaffarpur. It is, thus, contended that, in the aforesaid facts and circumstances, the petitioner cannot be saddled with the allegation of cheating etc.

Having regards to the facts and circumstances of the case, let the abovenamed petitioner, namely, Niraj Kumar Singh, be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Complaint Case No. 3218/2012 corresponding to Trial No. 3981/2013 on furnishing bail bonds of Rs.10,000/- (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Smt. Mausmi Singh, Judicial Magistrate, Ist Class, Muzaffarpur, subject to the conditions laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

SC/-

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