

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48499 of 2015

Arising Out of PS.Case No. -175 Year- 2015 Thana -KHAGARIA District- KHAGARIA

1. Nand Lal Sah Son of Late Chhote Lal Sah Resident of Mohalla - Power House Road, Sanhauli, Police Station - Chitragupta Nagar, District - Khagaria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Adv.

For thr Informant : Dr. Amrendra Kumar, Adv.

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 07-12-2015 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 175 of 2015 registered for the offence punishable under Section 420 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

On the basis of complaint petition this case has been lodged with allegation that the petitioner received Rs. 5,50,000/- to sell land and executed agreement and thereafter the complainant came to know that the petitioner has executed agreement of that land with other person and then demanded back his advance money. Thereafter the petitioner gave a cheque of Rs. 5,50,000/-

which was bounced due to insufficient fund.

Submission is of false implication and that there is no description of the land as to which land was agreed to be sold. It is a case on money lending for which criminal liability does not arise, no case under Section 420 IPC is made out and the petitioner is suffering in custody since 16.08.2015.

The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that petitioner is habitual offender and has committed such offence with Haricharan Prasad Sah also and the court below has given an opportunity to renew the prayer of bail after three months but the petitioner, without availing that opportunity, came before this Court.

In the facts and circumstances stated above, considering the custody of the petitioner and nature of allegation, the petitioner, above named, is hereby directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Khagaria arising out of Khagaria (Chitragupta Nagar) P.S. Case No. 175 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of

the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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