

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31477 of 2014

Arising Out of PS.Case No. -206 Year- 2009 Thana -MITHANPURA District- MUZAFFARPUR

Binod Mishra, son of Upendra Mishra, resident of Mohalla-Shiv Shankar
Path Mithanpura Bridge Fashion Denim City Shekhar Cinema Road,
Harishabha Chowk, Muzaffarpur, District-Muzaffarpur
Permanent Address:- P.S. Aaurai, District Muzhaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Kaushal Kishor, Adv.

For the Opposite Party/s : Mr. Ram Sewak Choudhary, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 30-01-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner, apprehending his arrest in connection
with Mithanpura P.S. Case No. 206 of 2009 registered for the
offences punishable under Sections 406 and 420 of the Indian
Penal Code, seeks the privilege of pre-arrest bail.

Allegedly, the petitioner took clothes worth Rs.
1,00,000/- and gave a cheque of Punjab National Bank, which was
dishonoured.

Submission is that the petitioner has given the cheque by
way of security and he has returned the amount of Rs. 90,000/-
time to time but in order to take undue advantage, the informant
got this case lodged to extract more money from the petitioner.

Both the petitioner and informant have business relationship but due to mala fide grudge lodged this case and the remedy lies in the civil suit, to which the learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that the remedy lies in the civil suit, the petitioner, in case of his arrest or surrender within two months from the date of receipt/production of the copy of this order, shall 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 Chief Judicial Magistrate, Muzaffarpur in connection with Mithanpura P.S. Case No. 206 of 2009, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Jitendra Mohan Sharma, J.)

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