

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14638 of 2015

Arising Out of PS.Case No. -785 Year- 2013 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

=====

Ram Bilash Prasad Son of Dwarika Prasad, Resident of Village Chakki Panapur P.S. - Minapur, District - Muzaffarpur, Presently at Kumar New Agency, Paltan Bazar near Nepali mandir, Blue Hill, near Old Bus stand, Guahati (Assam).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ajay Kumar Madhukar, Son of Baleshwar Prasad Sahni,
Resident of Village - Chukti, P.S. Mansi, District - Khagaria.

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate.

For the Opposite Party/s : Mrs. Anuradha Singh, A.P.P.

For the complainant OP No. 2: Mr. Vivekanand Singh, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 26-06-2015 Heard both sides.

The petitioner apprehends his arrest in a case under
Section 420 of the Indian Penal Code.

The complainant alleged that the petitioner had taken
a sum of Rs. 7,00,000/- for execution of sale deed with regard to a
piece of land but the petitioner did not execute the sale deed and,
on demand, issued three cheques bearing nos. 848066 dated
09.04.2013 of Rs. 3,00,000/-, 848067 dated 10.04.2013 of Rs.
2,00,000/- and 848069 dated 12.04.2013 of Rs. 1,50,000/-, but the



cheques were dishonoured and stop payment was made. Learned counsel for the petitioner submits that the complainant is the son-in-law of the brother of the petitioner. The complainant had taken money on loan but when the petitioner became apprehensive of non-payment of loan, he requested the Bank not to make payment of the cheques issued by the petitioner. It is submitted that no agreement was ever executed for sale of any property.

Sri Vivekanand Singh, learned counsel for the complainant, has submitted that it is admitted that the petitioner issued three cheques, two in the name of the complainant and one in the name of the father of the complainant, but the three cheques were snatched after stop payment was made. No notice was ever issued to the petitioner for not honouring of the cheques. There appears that the petitioner denied to have taken any loan and issued cheques in discharge of the loan in favour of the complainant and his father.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned 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 Sri J.P.

Kishku, Judicial Magistrate, 1st Class, Khagaria in Complaint
Case No. 785c of 2013, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Dilip/-

U		T	
---	--	---	--