

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25834 of 2015

Arising out of PS.Case No. -126 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

Sunil Kumar Chaudhary, Son of Babu Lal Chaudhary, Resident of Village- Mahamaya Asthan, Damodarpur, Police Station- Kanti, District- Muzaffarpur.

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. Jitendra Prashad Chowdhary, S/o Raghav Prashad Choudhary, resident of Village- Chak Maruf P.S. Kanti District Muzaffarpur.

.... Opposite Parties.

Appearance :

For the Petitioner : Mr. Mazharul Hassan, Advocate.
For the State : Mr. Binod Kumar No. 2(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-09-2015 Heard learned counsels for the petitioner, complainant and learned counsel for the State

The petitioner is apprehending his arrest in connection with Complaint Case No. 126/2013 for the offences instituted under Sections 420, 406 and 120(B) of the IPC.

The prosecution story, in brief, is that the petitioner took loan of Rs. 2,50,000/- from the complainant with assurance to return till 2011. When the petitioner failed to abide by his promise, the complainant went to the village of the petitioner on 05.09.2012 where the petitioner gave a cheque of rupees one lakh by cheque no. 744284 and asked to come on the next day. The complainant



went there on 06.09.2012 and again the petitioner gave a cheque amounting to rupees one lakh and further on 07.09.2012 gave a cheque amounting to rupees fifty thousand. Later, it is also mentioned that when the complainant presented those three cheques in bank all the three cheques became dishonored due to insufficient fund in the account of the petitioner and thereafter the complainant gave a legal notice to the petitioner and when did not respond on getting notice, the complainant filed this case.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is ready to deposit an amount of Rs. 1,50,000/- in the court below in different instalments within a period of three months from the date of receipt/production of copy of this order which may be released in favour of the complainant.

On behalf of the learned counsels for the State and the complainant it has been submitted that the petitioner is named in the complaint case.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs. 1,50,000/- in the court below in different instalments within a period of three months from the date of receipt/production of copy of this order which may be released in favour of the complainant,

let the petitioner above named, be released on provisional bail for the period of three months in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Complaint Case No. 126 of 2013 on furnishing 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., Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The provisional bail of the petitioner shall be confirmed by the learned court below within a period of three months from the date of receipt/production of copy of this order once the aforesaid amount of Rs. 1,50,000/- has been paid.

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(Sudhir Singh, J)