

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34156 of 2014

Arising Out of PS.Case No. -411 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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Santosh Kumar, Son of Surendra Prasad Gupta, Resident of Mohalla-
Jagdamba Asthan, P.O. Town G.P.O. Muzaffarpur, P.S. Muzaffarpur,
District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 09-02-2015 Heard both sides.

The petitioner apprehends his arrest in Complaint
Case No. 411/2013 registered under Section 406 of the Indian
Penal Code and Section 138 of the N.I. Act.

The complainant alleged that the petitioner took a
loan of Rs. 3,50,000/- from him and handed over a cheque, but
when the cheque was presented for encashment, the same was not
honoured.

Learned counsel for the petitioner submits that the
petitioner admits the factum of borrowing loan from the
complainant. It is submitted that unfortunately the shop of the
petitioner was gutted in fire and, therefore, he could not make
payment of the loan amount in time. The petitioner has already

paid Rs. 55,000/- to the complainant. On account of some unforeseen situation, the petitioner could not be able to make payment. The petitioner has got no criminal intention and is ready to make payment of the outstanding loan amount within the next six months.

Considering the facts that on account some default the loan amount has not been paid and the petitioner is ready to make payment of the outstanding loan amount within the next six months, 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 bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Muzaffarpur in Complaint Case No. 411/2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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