

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33903 of 2014

Arising Out of PS.Case No. -431 Year- 2011 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Surendra Chaurasia son of Late Motilal Chaurasia, resident of Mohalla-
Khilanganj, Sasaram, P.S.-Sasaram (T), District- Rohtas

.... Petitioner/s

Versus

1.The State of Bihar

2.Md. Usman Khan son of Late Hazi Sahshud Ali, resident of village-
Khadauli, P.O. + P.S.-Chenari, District- Rohtas at present residing at Usman
Complex, Rauza Road, Sasaram, P.O. + P.S.-Sasaram

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Prasad, Advocate

For the State : Ms. Pushpa Sinha-2, A.P.P.

For opposite Party No.2 : Mr. Anamul Haque, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH

ORAL ORDER

3 07-01-2015 Heard learned counsel for the petitioner, learned counsel
for the complainant as well as learned counsel for the State.

The petitioner seeks bail in connection with Complaint
Case No.431 of 2011 in which cognizance has been taken for the
offence punishable under section 406 of the Indian Penal Code.

It has been contended that even before filing the present
complaint case, the petitioner had instituted an FIR against the
complainant which was numbered as Sasaram Town P.S. Case
No.368 of 2011. Moreover, even if it is believed that the
complainant had given a sum of Rs.4,50,000/- to the petitioner for
marriage of his daughter and for running business, merely non-

refund of the same would not amount to an offence punishable under section 406 of the Indian Penal Code.

On the other hand, learned counsel appearing on behalf of opposite party no.2 has contested the matter and opposed the prayer for bail. He has submitted that a cheque issued by the petitioner for the alleged loan amount has been dishonoured.

Be that as it may, having regard to the facts and circumstances of the case, the prayer is allowed. The provisional anticipatory bail granted to the petitioner vide order dated 25th September, 2014, is hereby confirmed.

(Ashwani Kumar Singh, J)

Md.S./-

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