

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33870 of 2014**

Arising Out of PS.Case No. -1740 Year- 2011 Thana -BEGUSARAI COMPLAINT CSAE District-  
BEGUSARAI

=====

Ram Binoy Rai

.... .... Petitioner

Versus

1. The State of Bihar.
2. Neeraj Kumar.

.... .... Opposite Parties.

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**Appearance :**

For the Petitioner : Mr. Subhdeep Das, Advocate.

For the State : Mr. Gopesh Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**ORAL ORDER**

2 23-02-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Section 420 of the Indian Penal Code.

It is alleged that the petitioner hired Micro weighting Roller and JCB machine from the complainant and the petitioner agreed to pay rent of Rs. 75,000/- per month for Micro weighting machine during rainy season and Rs. 1,01,000/- after rainy season and the rent of JCB machine Rs. 80,000/- per month during rainy season and Rs. 95,000/- after rainy season. The complainant demanded the rent of both machines, when a cheque of Rs. 6,75,000/- was

issued which was returned to the complainant by the bank without clearance. Subsequently, the petitioner gave Rs. 2,00,000/- to the complainant and promised to make payment of rest amount as soon as possible.

It is submitted by learned counsel for the petitioner that accusation is arising out of contractual relationship between the parties when the cognizance has not been taken under Section 138 of N.I. Act. A statement has been made in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

Considering the accusation arising out of contractual relationship between the parties, let the petitioner, above named, be released on bail in the event of arrest or surrender before the learned court below within a period of twelve weeks from today in connection with Complaint Case No. 1740(C) of 2011 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.Ist Class, Begusarai, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

**(Dinesh Kumar Singh, J)**

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