

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28404 of 2015

Arising Out of PS.Case No. -743 Year- 2014 Thana -BIHTA District- PATNA

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Brajesh Kumar Sharma son of Late Madan Singh resident of Village Paltu Chhatani, P.S. Naubatpur, District Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Adv.

For the Opposite Party/s : Mr. Md.Fahmuddin (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 12-10-2015 Heard both sides.

The petitioner apprehends his arrest in Bihta P.S. Case No. 743/2014, registered for the offences punishable under Sections 420, 406 of the Indian Penal Code.

The informant alleged that the petitioner had taken loan of Rs. 3,55,000/- for running a business. The petitioner gave a cheque of Rs. 3,55,000/- to the informant but the cheque on being presented was not honoured.

It is submitted that the petitioner returned the entire amount Rs. 3,55,000/- as stated in page 6 of the bail petition. On 20.02.2014, Rs. 45,000/- was paid. Thereafter, on 21.04.2014 Rs. 2,50,000/- was paid through account transfer and Rs. 60000/- in cash.

It is further submitted that the informant did not give any notice under Section 140 of the Negotiable Instrument Act for bouncing

of the cheque and the case itself is filed under Section 420 and 406 of the Indian Penal Code.

Learned counsel for the informant, however, vehemently opposed the prayer for anticipatory bail.

It is submitted that the amount paid by the petitioner to the informant was not the same amount for which he had taken loan and gave cheque of Rs. 3,55,000/-.

It is submitted that the petitioner had earlier taken loan prior to issuance of this cheque, which was returned.

Taking into consideration that some disputes arose between the petitioner and the informant for payment of loan, the petitioner claims to make payment of entire dues, the petitioner above named in the event of his arrest or surrender before the 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 anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur in connection with Bihta P.S. Case No. 743/2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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