

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21381 of 2015

Arising Out of PS.Case No. -418 Year- 2014 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Md. Sikandar son of Late Seikh Sabir Resident of village Sugali Ward No -
3 P.S. Sugouli District East Champaran.

.... Petitioner

Versus

1. The State of Bihar
2. Mumtaz Beg, Son of Late Rajjak Beg, R/O Sugouli, Ward No. 03, P.S.
– Sugouli, District – East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Arvind Kumar Singh, Advocate.
For the Opposite Parties : Mr. P.K.Chaurasia(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 08-10-2015 Heard learned counsel for the petitioner, learned counsel for
the informant as well as the learned APP.

The petitioner apprehends his arrest in a case registered for
the offences punishable under Sections 420, 406, 342, 323, 504, 384
and 120B of the Indian Penal Code and under Section 138 of the N.I.
Act.

The informant, complainant alleged that the petitioner took
Rs. 2,70,000/- for executing a sale deed with regard to 12 Dhurs of land
of Khesra No. 1131 and Khata No. 1078, but the petitioner did not
execute the sale deed. When the petitioner was asked to return the
money the petitioner issued a cheque bearing no. 018086 of Rs.
2,70,000/-, but the cheque was not honoured.

Learned counsel for the petitioner submits that the

dishonouring of cheque is a bailable offence and the petitioner did not cheat the informant. The petitioner is ready to execute the sale deed.

On the last date that is 30.09.2015, the petitioner took adjournment to seek instruction whether he is ready to pay half of the aforesaid amount. It is submitted that the petitioner shall pay half of Rs. 2,70,000/- that is Rs. 1,35,000/- within one month from today.

Learned counsel for the complainant, however, opposed the prayer for anticipatory bail of the petitioner.

Considering the facts aforesaid, 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 bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Deo Kumar, the learned Judicial Magistrate, 1st Class, East Champaran in Sugouli P.S. Case No. 418 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and subject to the condition that if the petitioner fails to return Rs. 1,35,000/- within one month from today, the learned court below shall cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J.)

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