

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51630 of 2016

Arising Out of PS.Case No. -746 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

=====

1. Santosh Pathak S/o Late Baban Pathak, Resident of Village- Kapasiya,
P.S. Kochas, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajbansh Ojha S/o Jainath Ojha, Resident of Village- Pathakholiya, P.S.
Dhansoi, District- Buxar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Raghu Nandan Kumar Singh, Advocate
Mr. N. K.Agrawal, Sr. Advocate
Mr. Rangnath Choudhary, Advocate

For the Opposite Party/s : Smt. Pushpa Sinha, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 20-12-2016 Heard learned counsel for the petitioner, learned
counsel for the complainant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
15.10.2016 in connection with Complain Case No. 746 of 2014
registered for the offence punishable under Sections 405 and 420
of the Indian Penal Code.

The prosecution case as lodged by the Complainant
is that it was agreed between the petitioner and the complainant
was ready to pay Rs. 9,50,000/- for purchase of truck for which
the Complainant paid advance a sum of Rs. 2, 80,000/- when the
truck was not given by the petitioner, a cheque of Rs. 2,80,000/-



was given to the petitioner on 23.01.2014, which bounced, hence the complain was lodged.

It has been submitted by the learned counsel for the petitioner that as soon as it has come to the notice that cheque had bounced, he paid the full amount by three money receipt dated 28.01.2014, 20.02.2014 and 15.03.2014. He further submits that the petitioner has not committed any breach of trust and there is no money due and the allegations are false and frivolous.

However, learned counsel for the complainant has filed a counter affidavit stating therein that the entire money receipts are forged and fabricated documents and a sum of Rs. 2, 80,000/- has not yet been received by him and hence, opposes the prayer for bail.

Learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and submission of the parties, since the matter arises out of money dispute, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sasaram, Rohtas in connection with Complain Case No. 746 of 2014, subject to the conditions



that one of the bailors would be a close relative of the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station/Court and that the petitioner will file an undertaking duly supported by his personal affidavit before the Trial Court and he will appear physically before the Court below on each and every date till the disposal of the case and in case of failure to appear on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

Sudha/-

U		T	
---	--	---	--

