

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20984 of 2016

Arising Out of PS.Case No. -400 Year- 2015 Thana -KAJI MUHAMMADPUR District- MUZAFFARPUR

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1. DR. BHAGIRATH CHAUDAHRY s/o Shri Ganesh Chaudhary, R/o Madhusudanpur, P.S. Balia, Dist- Begusarai, Present Address as per FIR R/o - A.K. Thakur, Janki Bhawan, Girjanandan Nagar, in front of DAV School, Khabra, beside NH-28, as tenant but at present R/o- c/o- Alok Chaudhary, Anandpuri Lane No.-3, Bibiganj, PS- Sadar, Dist. & Town, Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Prasad Singh

For the Opposite Party/s Mr. Binod Kr. (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 20.05.2016 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State assisted by learned counsel for the informant.

Petitioner is in jail custody since 27.2.2016 in a case registered under sections 406, 420, 120B of the Indian Penal Code as well as section 138 of the NI Act.

The accusation against the petitioner is that he took Rs 08/- lakhs from the informant to transfer his land but subsequently, informant learnt that the land in question was disputed land and thereafter, informant refused to purchase the said land and demanded his money upon which petitioner issued cheques which were dishonoured when presented before the concerned bank.

Learned counsel appearing for the petitioner submits that

even if the prosecution story assumed to be true, then also, only a case under section 138 of the NI Act is made out.

Learned counsel appearing for the informant submits that the petitioner duped the informant by showing disputed land and thereafter, took Rs 08/- lakhs from him.

Considering the above stated facts and circumstances as well as submissions of the parties and also taking note of the period of detention of the petitioner in jail custody, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur in Kazi Mohammadpur P.S. Case no. 400/2015 subject to the condition that petitioner shall attend the learned trial court in person on each and every date for the period of six months or till conclusion of his trial whichever is earlier and if he fails to do so on three consecutive dates without any reasonable explanation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

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(Hemant Kumar Srivastava,J)

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