

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17489 of 2016

Arising Out of PS.Case No. -1005 Year- 2013 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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Birendra Kumar Son of Late Ramji Paswan, M/s- Koshi Bricks, Resident of
village- Parariya, P.S.- Sonbarasa Raj, Dist.- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Alok Kumar Singh, Son of Sudhir Kumar Singh, Resident of village –
Parariya, P.S. Sonbarsa Raj, District – Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Upendra Kumar(App)

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

ORAL ORDER

02/ 25-04-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a complaint case wherein processes have been directed to be
issued after cognizance being taken for the offences punishable
under Sections 406 of the Indian Penal Code and 138 of N.I.
Act.

The prosecution case is that the petitioner
entered into an agreement with the mother of the complainant
whereunder the petitioner was to take land of the complainant's
mother on rent for which he was to pay rent of Rs.35,000/- per
year. The petitioner issued a cheque of Rs.25,000/- which got
bounced.

It is submitted by learned counsel for the petitioner that the agreement was not given effect to and as per agreement the land was given to the petitioner for Rs.16,000/- but forcibly a cheque of Rs25,000/- was taken by the complainant and the petitioner has been dispossessed from the land in question. However, the petitioner is ready to deposit Rs.25,000/- before the learned court below.

Let the learned court below get invested Rs.25,000/- in some fixed deposit scheme in connection with the present case which will be subject to the result of the case.

On deposit of aforesaid amount, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Complaint Case No. 1005C of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

DKS/-

(Dinesh Kumar Singh, J)

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