

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5980 of 2016

Arising Out of PS.Case No. -417 Year- 2015 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Kamlesh Srivastava, Son of Late Dhruv Shrivastava, Resident of
Nandpur Naya Tola, Ward No.4, Narkatiyaganj, P.S.- Shikarpur, District-
West Champaran..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Jitendra Kr. Roy No.1(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 24-02-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Shikarpur P.S.
Case No. 417 of 2015 registered for the offences punishable under
Sections 406, 420 of the Indian Penal Code and Section 138 of N.
I. Act.

Allegedly, the petitioner took Rs. 2,48,000/-, out of
consideration amount of Rs. 6,60,000/-, for executing sale deed
with respect to 12 Dhurs of land in favour of informant and by
way of security the petitioner gave cheque to the informant but
later on the petitioner did not execute registered deed and started
evading the matter and when cheque was deposited in the bank
and the same was dishonoured due to insufficient fund and further
the signature of the petitioner does not match.



Submission is of false implication and that it is true that there was an agreement for sale of land between the parties but the informant has manufactured a wrong story, one Mahadnama was prepared copy of which is in the custody of the petitioner and only advance of Rs. 1,00,000/- was made and thereafter, again advance of Rs. 50,000/- and again Rs. 25,000/- were given but later on the informant denied to purchase the said land, resulting, the petitioner returned the said amount and asked to return the aforesaid blank cheque and the Mahadnama but the informant started evading the matter and filed this false case, resulting, the petitioner is suffering in custody since 22.11.2015.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioner has cheated the informant and gave cheque which was dishonoured.

In the facts and circumstances stated above, considering the period of detention, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 417 of 2015, subject to the conditions that one of the bailors must be a

near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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