

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23938 of 2017

Arising Out of PS.Case No. -50 Year- 2015 Thana -CHAKAI District- JAMUI

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Aman Mallick @ Dablu Mallick, S/o Nasim Ali, Resident of Village-
Amarpur, Police Station-Gobindpur, District-Dhanbad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sanjida Khatoon.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh

For the Opposite Party/s : Mr. Md. Ansarul Haque

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

10 30-11-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Chakai P.S. Case No. 50 of 2015, registered under Sections 420
and 120(B) of the Indian Penal Code and Section 138 of the
N.I.Act.

The accusation is that the informant-opposite party no.
2 wanted to purchase the vehicle for business purpose. She talked
to petitioner on 18.07.2014 and he became ready to sell Vehicle
Tata 207'D' bearing Registration No. JH 17B 5595 on payment of
Rs. 2,35,000/-. Accordingly, the informant paid cash of
Rs.1,35,000/- and rest amount of Rs.1,00,000/- was to be paid at



the time of transfer of paper in favour of informant. The petitioner called the husband of complainant-opposite party no. 2 at Govindpur, Dhanbad along with the vehicle on pretext for transferring of the name and insurance paper in favour of the informant. Thereafter, on 14.05.2014, the informant along with her family members came at the house of the petitioner, where vehicle was standing there it is detected that the said vehicle was stolen then informant refused to purchase the vehicle. In spite of repeated request petitioner issued cheque of Rs.1,35,000/-, which was bounced. While complainant-opposite party no. 2 issued the legal notice to the petitioner but he was not paid the aforesaid amount to her.

Learned counsel for the petitioner submits that admittedly, petitioner had taken Rs.1,35,000/- to the informant-opposite party no. 2 to sell his vehicle on consideration amount of Rs.2,35,000/-. On refusal to purchase the vehicle he issued cheque, but inadvertently due to insufficient money in the account of the petitioner the cheque was dishonored. Thereafter, petitioner transferred Rs.50,000/- through RTGS in the account of informant-opposite party no. 2 and remaining amount was paid in cash, but the complainant-opposite party no. 2 has lodged the present false case with ulterior motive. While in the counter



affidavit filed on behalf of the informant-opposite party no.2, in which, she has stated that petitioner denied about returning of money by the petitioner, but the learned counsel for the informant-opposite party no. 2 admitted about transferring of Rs.50,000/- through RTGS by petitioner in the account of informant-opposite party no.2.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the A.C.J.M.-2nd, Jamui, in connection with Chakai P.S. Case No. 50 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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