

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19719 of 2017

Arising Out of PS.Case No. -2898 Year- 2015 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Amit Kumar S/o Raja Rai, Resident of Mohalla- Subhash Nagar, Ward No.-1, Bhagwanpur, P.S.- Sadar, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dev Mangal Pandey, S/o Late Bujhawan Pandey, Resident of Village- Sonbarsha, P.S.- Kanti, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand

For the Opposite Party/s : Mr. Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 04-09-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No.C-2898 of 2015 registered under Section 406 of I.P.C. 138 of N.I.Act.

Allegation of the complainant O.P.No.2 is that the petitioner purchased the lichi orchard on fixing the price Rs.95,000/-. At the time of plucking lichi fruit the petitioner paid Rs.45,000/- as an advance and also handed over the post dated cheque of Rs.50,000/-. But when the complainant O.P.No.2 presented the said cheque before the bank to encash the amount,



the cheque was dishonoured due to insufficient amount in the account of the petitioner. Thereafter the complainant sent a legal notice to the petitioner but as he did not respond to the notice, did not give reply.

Learned counsel appearing on behalf of the petitioner submits that, in fact, lichi fruit of the lichi orchard was purchased by the petitioner on payment of Rs.95,000/- to the complainant but the complainant O.P.No.2 again sold the lichi fruit of the lichi orchard on high price to other person. The petitioner made request to the complainant O.P.No.2 to return the cheque but he did not return. Moreover, petitioner is ready to deposit in the court below Rs.50,000/- with respect to the dishonoured cheque issued by him on protest. He further submits that it would appear from the complain itself that the complainant issued legal notice to the petitioner on 13.10.2015 which was served on 17.10.2015 but without passing over 15 days from the date of issuance of notice the present complainant was filed on 27.10.2015 within ten days. Moreover, the dispute is of having civil nature.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of the C.J.M., Muzaffarpur, in connection with Complaint Case No.C-2898/15, Tr No.2042/16 subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

AnilKrSinha/-

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