

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.20784 of 2017**

Arising Out of PS.Case No. -1494 Year- 2016 Thana -EAST CHAMPARAN COMPLAINT  
District- EASTCHAMPARAN(MOTIHARI)

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1. Raj Kumar Mahto Son of Late Saryug Mahto, Resident of Mohalla-Baluwa Tal, Khushawa Nagar, P.O.- Motihari, P.S.- Motihari, Town & District- East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Ram Babu Sharma, aged about 47 Years, Son of Late Ram Pravesh Sharma, Resident of Village- Mauza Jagatiya, P.S.- Daudpur, District- Saran (Chapra), at present Police Station- Driver No. 106, Police Line, Motihari, District- East Champarn.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sshok Kumar Sinha

For the Opposite Party/s : Mr. Anish Chandra

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

7      22-11-2017                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner seeks anticipatory bail in a case instituted for the offences under Sections 420 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

Allegation has been made in the complaint petition that opposite party no.2 has negotiated to purchase the land of the petitioner and for which complainant paid cash amount Rs.10 lacs and it was further agreed that rest amount of Rs.5 lacs will be given at the time of registration of the land. It has further



been alleged that on the date of registration the petitioner further demanded Rs.5 lacs, in total Rs.10,00,000/- but opposite party has shown his inability and after long persuasion a cheque of Rs.6,75,000/ was given which was returned by the bank.

Learned counsel for the petitioner submits that petitioner has given blank check to Brij kishore Thakur with respect to outstanding dues of Rs.15,000 which he handed over the cheque to the complainant. He further submits that two witnesses have been examined. On court question first witness has stated that he has not seen for giving such amount to the petitioner and second witness has made statement of giving an amount of Rs.5 lacs. So there is contradiction between the statement of witnesses at the time of enquiry and statement in the complainant.

Looking to the facts and circumstances of the case, in the event of arrest or surrender within four weeks from today, let petitioner, namely, Raj Kumar Mahto, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Ist Class, Motihari in



connection with Complaint Case No.1494 © of 2016 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Shivaji Pandey, J)**

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