

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35953 of 2017

Arising Out of PS. Case No.-549 Year-2013 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Shiv Pratap Tiwari Son of Late Jagdish Tiwari, R/o Village- Awandhi, P.S.-
Dawath, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. Suresh Kuamar Singh Son of Dharmadash Singh, R/o Village- Amra Talab,
P.S.- Sasaram, District- Rohtash at Sasaram.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Mishra

For the Opposite Party/s : Mr. SIR PRAMOD KUMAR PANDEY

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 15-09-2017 Heard learned counsels for the petitioner and the State.

Petitioner apprehends arrest in connection with Complaint
Case No. 549 of 2013 registered for the offence punishable
under sections 406, 420 of the Indian Penal Code and section
138 of the Negotiable Instruments Act.

Learned counsel appearing for the petitioner submits that
petitioner has falsely been implicated in this case. Petitioner had
hired a JCB machine and a poklain machine of the complainant,
for which he had given a cheque of Rs./1,50,000/- as security
deposit, which was to be returned after final calculation of
work. Petitioner also made payment of different amount towards the
work on different dates which is evident from the receipts annexed



as Annexure-2. After completion of work, petitioner asked the complainant to return the cheque deposited as security deposit, but the complainant one way or the other avoided to return the same. In this regard, petitioner filed a complaint also vide Annexure-3. Moreover, the dispute if any is purely civil in nature. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case and the submissions of advanced on behalf of the parties, let the petitioner, above named, in the event of arrest or surrender within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sub Judge VII-cum- Additional Chief Judicial Magistrate, Sasaram, Rohtas in connection with Complaint Case No. 549 of 2013 subject to the conditions laid down under section 438(2) Cr.P.C.

(Arvind Srivastava, J)

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