

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47214 of 2017

Arising Out of PS.Case No. -497 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Lalbabu Thakur Son of Daroga Thakur, R/o Village- Hasanpur, P.s.-
Pipra, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Aalam Ansari Son of Said Ansari, R/o Village- Sariswa, P.S.- Harsidhi,
District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh

For the Opposite Party/s : Mr. Sri Asharaf Ansari

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-10-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Complaint Case No. 497
of 2014 instituted for the offence under Sections-323, 420 of the Indian
Penal Code.

It has been submitted on behalf of the petitioner that in the
instant case, no cognizance has taken under N.I. Act and the offence
u/S 420 of the Indian Penal Code is not made out in the facts and
circumstances of the case.

In the written report, it is alleged that the complainant gave
Rs. 3,00,000/- to the petitioner for his appointment as teacher. The
petitioner did not return the money. Thereafter, he gave a Cheque of Rs.
1,50,000/- which bounced but there is no any cognizance u/S 138 of
N.I. Act.



From the complaint petition itself, it appears that the complainant voluntarily gave the amount to the petitioner.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Complaint Case No. 497 of 2014 to the satisfaction of learned Judicial Magistrate-Ist Class, Motihari, East Champaran subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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