

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57146 of 2017

Arising Out of PS.Case No. -39 Year- 2017 Thana -PATNA COMPLAINT CASE District- PATNA
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1. Amit Kumar, S/o Umesh Paswan,
2. Umesh Paswan S/o Late Basudeo Paswan, Both R/o Village- Rampur,
Devi Asthan, P.S.- Khagaul, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Surendra Kumar @ Shivpujan Singh S/o Late Ramchandra Singh, R/o
Village- Lakhnibigha, P.S.- Khagaul, District- Patna.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Raj Dular Sah

For the Opposite Party/s : Mr. Narsingh Tanti
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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 18-12-2017 Heard both sides.

The petitioners apprehend their arrest in Complaint
Case No.39(c) of 2017 registered under Sections 323 and 379 of
the Indian Penal Code.

The complainant alleged that the petitioners got a sale
deed executed in their favour but did not pay the entire
consideration amount. Petitioners issued three cheques. On
assurance of the petitioners, the complainant did not present the
cheques in Bank and still Rs.4,22,000/- is lying due against the
petitioners.

The learned counsel for the petitioners submits that



some dispute arose due to payment of consideration amount. Complainant did not present the cheques for encashment and false case has been lodged.

On the other hand, learned counsel for the complainant vehemently opposed the prayer for anticipatory bail and submitted that the petitioners did not pay the consideration amount and also requested him not to present the cheques.

Considering the facts aforesaid and the nature of allegation made against the petitioners and the fact that the cheques were never presented before the Bank for encashment, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Sri Javed Ahmad Khan, Addl. Chief Judicial Magistrate-cum-Sub Judge VI, Patna in Complaint Case No.39(c) of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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