

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55028 of 2016

Arising Out of PS.Case No. -1223 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Raj Kumar, Son of Prem Dhari Singh, resident of Bali Pakar, P.S.:-
Paliganj, District- Patna, At present - A/16, Bank of India Colony,
Sheikhpura, Raza Bazar, P.S.:- Rajiv Nagar, District:- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Lalan Kumar, S/o Late Ram Lakhan Singh, resident of Village- Amara,
Post- Karbandia, P.S. - Sasaram (Mu.), District- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chaudhary Prem Kumar Thakur, Adv.
For the Opposite Party/s : Mr. Sri Prem Kumar Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 09-01-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No. 1223 of 2013 registered under Sections 406
and 420 of the Indian Penal Code.

The accusation is that according to agreement entered
in between the complainant Lalan Kumar and this petitioner,
complainant supplied stone chips worth cash of Rs.30,65,795/- in
between 13.03.2010 to 20.01.2011 but only Rs.15,00,000/- was
paid to the complainant by this petitioner. On being several
requests, the petitioner handed over the cheque on 24.10.2013 of



Rs.10,00,000/- but when the cheque was presented on 29.10.2013 in Bank, the said cheque was returned due to insufficient amount in the account of the petitioner. While the legal notice was issued to the petitioner by the complainant but he did not give any reply of notice nor paid money as detailed in the cheque.

Learned counsel for the petitioner submits that, in fact, petitioner being the contractor engaged one Abhay Sukla as Supervisor and the petitioner handed over blank cheque to Abhay Sukla to meet out the urgency. But due to some difference Abhay Sukla left the job of supervisor. When the blank cheque was demanded then Abhay Sukla told the petitioner that the cheque is traceless. Thereafter, petitioner informed to the Indian Overseas Bank, Exhibition Road Branch, Saboo Complex, Patna, to stop payment of missing cheque no. 716501 of his account. Later on, Abhay Sukla managed the complainant to lodge the present case with false allegation of dishonored of cheque.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial



Magistrate-8, Sasaram, in connection with Complaint Case No.
1223 of 2013, subject to the condition as laid down under Section
438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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