

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45563 of 2016

Arising Out of PS.Case No. -3052 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

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Mithilesh Choudhary @ Mithileshwar Kumar Choudhary @ Mithilesh Choudhry, Son of Late Amarnath Choudhary, Resident of Village – Dubaha, Post- Bochaha, Police Station – Mohiuddin Nagar, District – Samastipur.

.... Petitioner

Versus

1. The State of Bihar
2. Ashok Kumar, Son of Bhola Ram, Resident of Village – Lakhani Bigha, Danapur, Police Station – Khagaul, District – Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Lal Babu Singh, Advocate.

For the Opposite Parties : Ms. Rita Verma, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-01-2017 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No. 3052 (C) of 2010, registered for the offences punishable under Section 420 of the Indian Penal Code and under Section 138 of the N.I. Act.

The gist of the allegation is that the complainant alleged that he gave Rs. 4,75,000/- to opposite party no. 1 Mithilesh Choudhary @ Mithileshwar Kumar Choudhary @ Mithilesh Choudhry in presence of Rajeshwar Prasad. The petitioner promised to return the amount taken by Rajeshwar Prasad. Rajeshwar Prasad issued a cheque bearing Cheque No. 183640 dated 14.09.2010 of Bank of India, Krishnanagar Branch, Patna-1 in favour of the complainant but the same was dishonoured.

Learned counsel for the petitioner submits that the petitioner



did not issue any cheque nor received any amount from the complainant. The petitioner has falsely been implicated in the case only because the petitioner is a government servant.

It appears from perusal of the records that vide order dated 08.06.2011, the learned Judicial Magistrate, Patna directed the complainant to file the copy of the cheque, return memo and legal notice sent by the complainant but those documents were not filed.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Munsif-cum-Judicial Magistrate, Patna in Complaint Case No. 3052 (C) of 2010, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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