

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33978 of 2016

Arising Out of PS.Case No. -270 Year- 2014 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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Gaya Prasad Singh, S/o Late Sita Singh, resident of Village- Chapuk, P.S.-
Goh, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manoj Sao, S/o Shiv Narayan Sao, resident of Mohalla- Dani Bigha,
Aurangabad, P.S.- Aurangabad (T), District- Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate.

For the Opposite Party/s : Mr. Sri Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

8 04-08-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 270 of 2014, registered under Section
420 of the Indian Penal Code and Section 138 of the Negotiable
Instrument Act.

The accusation is that petitioner took cash of Rs.
3,50,000/- from the complainant-opposite party no. 2 for urgent
work and on demand by the O.P. No. 2, petitioner issued the
cheque of Rs.3,50,000/- but the same was dishonoured due to
insufficiency of money in the account of the petitioner.



Learned counsel for the petitioner submits that admittedly the petitioner had taken loan of Rs.3,50,000/- from the complainant-opposite party no. 2 and he is ready to return the said amount within four months to the complainant-opposite party no. 2 by depositing in the account of complainant-opposite party no.2.

In view of the facts and circumstances of the case and undertaking given by the petitioner to deposit Rs. 3,50,000/- in the account of complainant-opposite party no. 2, let the above named petitioner be released on provisional bail for four months, in the event of 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 Judicial Magistrate Ist Class, Aurangabad, in connection with Complaint Case No. 270 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C. If the petitioner submits the receipt regarding depositing the amount of Rs. 3,50,000/- in the account of complainant-opposite party no. 2 within four months, the provisional bail of the petitioner shall be confirmed by the court below. If the petitioner fails to submit the receipt showing the deposit of Rs.3,50,000/- in the account of complainant-opposite party no.2, the court below will be at liberty to cancel his bail bond.



Accordingly, the application is disposed of.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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