

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50933 of 2016

Arising Out of PS.Case No. -99 Year- 2016 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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1. Sanjay Kumar Kushawaha, son of Vakil Bhagat @ Vakil Prasad Kushwaha, resident of Village- Bahuara, P.S.- Madhuban, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar Singh S/O Shivchandra Singh R/O village- Pipra, P.S. Pipra District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bela Singh

For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 09-02-2017 Heard the learned counsel for the petitioner, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences punishable under sections 420 and 406 of the I.P.C and section 138 of the Negotiable Instrument Act.

Allegedly, the petitioner took loan of Rs. 5,00,000/- to start business from the informant and due to loss in the business the petitioner did not return the said amount inspite of several demand made and lastly he gave cheque which was dishonored. Legal notice was also sent but no reply was given.



Submission is of false implication and that no criminal liability is made out, the informant has given loan which due to loss in the business was not returned, the petitioner is suffering in custody since 28.06.2016.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that admittedly the petitioner gave cheque which was dishonored.

In the facts and circumstances as stated above, considering custody of the petitioner, now he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M-III, East Champaran in Pipra P.S. Case No. 99 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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