

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15808 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -SAMASTIPUR District- SAMASTIPUR

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Rajesh Kumar son of Madan Mohan Tiwari resident of village Lodipur, P.S. Patori, District Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

For the Opposite Party/s : Mr. Anshuman, Adv.

Mr. Anant Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 25-04-2017 Heard both sides.

The petitioner seeks bail in Samastipur Town P.S. Case No. 07/2017, registered for the offences punishable under Sections 420, 120B and 34 of the Indian Penal Code and section 138 of the Negotiable Instruments Act.

The gist of the allegation is that the petitioner and Sajjan Mohan Tiwari, Sanjay Rai and Sahabuddin @ Magarua fraudulently persuaded the informant to execute the sale deed with regard to a piece of land situated in village – Patori, but did not give the consideration amount. The accused persons issued cheque of Rs. 11,00,000/- and fraudulently made overwriting thereon, when the cheque was presented before the Bank Manager, he



disclosed that there was no sufficient amount in the account.

Learned counsel for the petitioner submits that petitioner did not commit any fraud. The dispute is of civil nature. If consideration amount has not been paid, the informant may realize the same after filing the suit.

Learned for the informant however, vehemently opposed the prayer for bail of the petitioner.

Considering the facts aforesaid and nature of allegation made against the petitioner and the fact that the petitioner is in jail since 12.02.2017 and the dispute appears to be of civil nature, the petitioner above-named, 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 Chief Judicial Magistrate, Samastipur in connection with Samastipur Town P.S. Case No. 07/2017.

(Prabhat Kumar Jha, J.)

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