

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42196 of 2018

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1. Umesh Singh Yadav S/o Suraj Singh, R/o Vill.- Bhahari, P.S.- Indrapuri (Dihri), District- Rohtas at present residing in Mohalla- Ramjaipal Path, Opp. Gola Road, P.S.- Rupaspur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ishwar Dayal Bhagat S/o Late Shyamlal Bhagat, R/o Vill.- Dhelabad, P.O.- Amjhaur, P.S.- Rohtas, District-Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babita Kumari

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 19-07-2018

Heard both sides.

The petitioner apprehends his arrest in Complaint Case No. 133 of 2017 for the offences allegedly committed by the petitioner under Section 420 of the Indian Penal Code.

The complainant alleged that the petitioner was partner in the firm and petitioner got 10% share. Petitioner invested huge amount but later on some dispute arose between the partners of the firm. The complainant further alleged that a Panchayati was held and the petitioner agreed to make payment to the complainant and handed over cheques but when the cheques were presented, all the cheques became dishonoured.

The learned counsel for the petitioner submits that complainant admittedly was a partner in the partnership firm who was doing business of crushing stones. The blank cheques of the petitioner were with the complainant and when the dispute arose the complainant taking advantage of the blank cheques of the



petitioner presented the same without giving information to the petitioner and for dishonoring of cheques the complainant has also lodge complainant case for the offences allegedly committed under Section 138 of the N.I. Act. There is no ingredient of cheating and on account of some disputes arose between the members of the firm that is why this case has been lodged.

Having considered the facts and on perusal of records it appears that admittedly the complainant was also a partner in the firm and some disputes arose due to rendition of accounts. The dispute appears to be purely of civil nature.

Taking into consideration the aforesaid facts, the petitioner above named in the event of his arrest or surrender before the learned 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 learned Judicial Magistrate, 1st Class, Rohtas at Dehri in connection with Complaint Case No. 133 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

BKS/Rajan

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