

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42479 of 2018

Arising Out of PS.Case No. -572 Year- 2018 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Krishna Murari Sinha Son of Late Girja Prasad Sinha, Resident of Sidheshwar Palace Apartment (In front of Vashundhra Apartment) Flat No. F/2, IInd Floor, Budha Colony, West Boring Canal Road, P.S. Budha Colony, Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shri Shambhu Prasad S/o Kapildeo Prasad R/o Emarat Kohinoor Apartment, Flat No. T/9, Road No. 36, Post- Anishabad, P.S. Gardanibagh, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh
For the Opposite Party/s : Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 20-07-2018 Heard both sides.

The petitioner apprehends his arrest in connection with Complaint Case No.572©/2018 registered under Section 406 of the Indian Penal Code and Section 138 of the N.I. Act.

The complainant alleged that the petitioner took loan of Rs. 4 lac on 30.09.2011 with assurance to return the entire within three years. The Complainant further alleged that the petitioner had given four cheques as security but when the cheques were presented, all the cheques were dishonoured.

Learned counsel for the petitioner submits that it is true



that the petitioner had taken loan from the Complainant on 30.09.2011 but after withdrawing money from the GPF, he returned the entire amount. The Complainant did not return the cheques even after paying entire debt. The complainant fraudulently presented the cheque to the Bank mentioning the date 27.09.2017. According to the case of the Complainant itself the complainant should have taken action immediately after lapse of three years and filed the complaint case only in the year 2018.

Taking into consideration the aforesaid fact and the fact that the petitioner claimed to have paid entire loan amount, 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 A.C.J.M.-cum-Sub Judge-XIV, Patna, in connection with Complaint Case No.572©/2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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