

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28147 of 2018

Arising Out of PS.Case No. -108 Year- 2018 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

=====

Lal Babu Sah, Son of Late Ram Nand Sah @ Late Ram Nandan Sah,
Resident of Lakri Dahi, Chandwara, Police Station- Town, District-
Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Asharaf Ansari, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 07-06-2018 Heard learned counsel for the petitioner, State and

the counsel appearing on behalf of the informant.

Petitioner is in custody in connection with

Muzaffarpur (Town) P.S. Case No. 108 of 2018 for the offence

under Sections 420, 406, 467, 468 and 471 of the Indian Penal

Code and 138 of the Negotiable Instrument Act.

Mr. Kunal Tiwari, Learned counsel appearing on

behalf of the petitioner submits that the petitioner has got clean

antecedent. Referring to the entire facts and circumstances, he

submits that it is a case of Civil obligation and the informant has

instead of taking recourse to the civil remedy under Specific

Relief Act, lodged criminal case as a pressure tactics. He further



submits that in the matter of dishonor of cheque, many controversies are there as to the manner, in which the blank cheque was procured by the informant. He has also referred to Annexure-2 to submit that it is not only the case of petitioner, that he was duped by the informant but many other were duped by the informant and a Complaint Case was lodged against the informant of this case. Annexure-2 indicates the pattern of foul practice of the informant in obtaining blank cheque and signature on blank paper.

Learned counsel appearing on behalf of the informant vehemently opposed the prayer for bail and submitted that the petitioner is not entitled to bail for the reasons that he has not approached this Court with clean hand. He further submitted that the petitioner has received the entire sale amount, but he has not executed the sale deed. However, he has no answer to the legal position as to enforcement of the agreement to sale. He has remedy by way of filing suit under the provisions of Specific Relief Act.

Considering the totality of the facts situation discussed hereinabove and the fact that the petitioner is in custody since 18.02.2018 and thus has remained in custody for nearly more than three months and there is no criminal antecedent against



the petitioner, let the petitioner, named above, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzzafarpur (Town) P.S. Case no. 108 of 2018.

(Anil Kumar Upadhyay, J)

Rahul/Uday/-

U		T	
---	--	---	--

