

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25626 of 2018

Arising Out of PS.Case No. -62 Year- 2016 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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1. Harendra Prasad, S/o Baidyanath Prasad, Resident of Village-Diuliya,
Ward No.5, P.S.-Jagdishpur, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Saroj Sah S/o Late Jiut Sah, Resident of Village-Diuliya, Ward No.5,
P.S.-Jagdishpur, District-West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 18-06-2018 The petitioner is apprehending his arrest in connection

with Nautan (Jagdishpur) P.S. Case No. 62/2016, registered for

offences punishable under Sections 467, 468, 471, 420, 406 and

120B of the Indian Penal Code and Section 138 of N.I. Act.

Allegation as per F.I.R. is that the petitioner in spite of
taking Rs. 6,00,000/- for execution of sale deed with respect to
certain piece of land but the sale deed was not executed in favour
of the informant and when the informant demanded his money, the
petitioner gave him a cheque, which was dishonoured by the
Bank.

It has been submitted on behalf of the petitioner that the
cheque was issued in different transaction as the petitioner,



informant and others have entered into an agreement for supply of sand to a company and in course of the said partnership, the petitioner has issued a blank cheque, which was misused by the informant and further the dispute is of civil nature relating to specific performance of contract, for which the remedy lies before the civil court.

Heard learned A.P.P. as well as learned counsel for the informant. Learned counsel for the informant has submitted that the petitioner has swallowed his six lacs rupees and is not ready to pay the same and he has not even give the reply of legal notice sent to him.

Having heard both sides, considering the facts and circumstances of the case, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM –Bettiah, West Champaran, in connection with Nautan (Jagdishpur) P.S. Case No. 62/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., it is further subject to the condition that:-

- (i) One of the bailors of the petitioner shall be a



local person having sufficient immovable property within the jurisdiction of the concerned Court.

- (ii) The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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