

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35059 of 2018

Arising Out of PS. Case No.-89 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Virendra Prasad @ Birendra Prasad S/o Kamal Prasad Cum Proprietor of
Banarsi Misthan Bhandar Ander Bazar resident of Mohalla- Ander Bazar, P.O.
+ P.S.+ District- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar.
2. Binod Kumar S/o Sri Dasu Saw, resident of Mohalla- Shohganj, P.S. Nagar
Aurangabad District- Aurangabad (Bihar).

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Shailesh Kumar Singh, Adv.
For the Opposite Parties : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 06-09-2018 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner is apprehending his arrest in connection
with Aurangabad Complaint Case No. 89 of 2018 for the
offences registered under Sections 406, 420, 323, 341, 504 and
506(2) of the Indian Penal Code and under Section 138 of N.I.
Act.

Complainant in his complaint petition has stated that
he and petitioner were close friends, petitioner runs a sweet
shop. It has been alleged that petitioner took Rs. 8,00,000/- as a
loan from Complainant to improve his business and assured him
to return it back within four months but did not return. It has



been further alleged that petitioner gave a Cheque of Rs. 8,00,000/- to the complainant which was dishonored for insufficient amount in the account of petitioner which is an offence U/s. 138 of N.I. Act which is bailable offence.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. No case of fraudulent intention of criminal breach of trust is made out. Complainant has misused his cheque and has filed cases of similar nature against many persons

Considering the facts and circumstances of the present case, let petitioner, above named, in the event of arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad in connection with Aurangabad Complaint Case No. 89 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(S. Kumar, J)

Rajiv/manoj

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