

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37643 of 2018

Arising Out of PS.Case No. -91 Year- 2018 Thana -AURANGABAD COMPLAINT CASE District-
AURANGABAD

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1. Md. Izhar, Son of Late Rahmatullah, Proprietor, Kishan Tyre House/Kishan Tyre Centre, Madarsa Road/Sarai Road, P.S.- Aurangabad (Town), District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sunil Kumar Sharma, Son of Nand Kumar, Resident of Mohalla- Sri Krishna Nagar, P.O. and P.S.- Aurangabad (T), District- Aurangabad, Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan

For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 06-09-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.91 of 2018 , registered for offences punishable under Sections 406, 420, 504, 506, 323 of the Indian Penal Code and Section 138 of the N.I. Act.

Allegation against the petitioner is that he has taken Rs.7.50 lac from the complainant and he is not returning the same and the cheque given by him has also dishonoured.

Submission of the learned counsel for the petitioner is that the complainant is two brothers and they are engaged in such type of business and they have lodged several cases against different persons and that shows the falsity of the case and no chit of paper has been produced to show that Rs.7.50 lac is due with the



petitioner.

Heard learned A.P.P. and the learned counsel for the complainant. They have opposed the prayer for bail stating that the petitioner is not appearing in the court and not denying the fact of the money.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Aurangabad in connection with Complaint Case No.91 of 2018 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (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 will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in disposal of the trial and shall appear before the trial court as and when required, otherwise his bail bond shall be cancelled.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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