

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.26096 of 2018**

Arising Out of PS.Case No. -2453 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE  
District- MUZAFFARPUR

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1. Ganesh Mahato, son of Late Parichhan Mahto, Resident of Village-  
Dubha, P.S.- Sakra, District- Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Krishna Deo Thakur, S/o Mahendra Thakur, Resident of Village-  
Madapur Chhapra, P.S.- Pusa, District- Samastipur.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

2      01-05-2018                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the  
offences punishable under Section 406 of the Indian Penal Code  
and Section 138 of the N. I. Act.

Complaint based allegation is that the complainant  
had advanced consideration money to the petitioner for purchase  
of land. The land was not transferred in the name of the  
complainant and the refund cheques issued by the petitioner  
allegedly bounced.

Submission of the learned counsel for the  
petitioner is that the complaint based allegation does not reveal



that which land was the subject matter of the agreement between the parties nor any copy of the agreement has been enclosed. The cheques were issued by the petitioner on assurance of the complainant to purchase a Bolero for joint business of plying the same on hire.

Finding substance in the submission aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Complaint Case No.2453 of 2012, TR No.1284 of 2017, with condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

**(Birendra Kumar, J)**

Mkr./-

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