

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31693 of 2018

Arising Out of P.S.Case No. -2 Year- 2018 Thana -KHAGARIA District- KHAGARIA

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Binod Kumar Singh @ Binod Singh @ Pappu Singh son of Ramdeo Singh,
Resident of Village- Vidhadhar Ward No. 6, Near Saharbanbni Niwas,
Police Station- Khagaria, District Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 07-06-2018 Heard learned counsel for the petitioner, learned counsel
for the informant and the learned APP for the State.

The petitioner is in custody in connection with Khagaria
(Chitragupta Nagar) P.S.Case No.02 of 2018 registered for an
offence under Sections 420, 406, 467, 468 and 471 the IPC and
138 of the NI Act.

The case has been registered on the basis of written
report. It is alleged that this petitioner and informant entered into
partnership business with the petitioner for which the informant
gave an amount of Rs.2,00000/- to the petitioner through account
payee cheque and cash. Subsequently the petitioner returned the
said amount through cheque which was presented in bank but on
account insufficient fund the said cheque was bounced and



thereafter the petitioner cheated the informant.

Learned counsel for the petitioner submits that the said partnership business started on the basis of partnership deed which was executed by the wife of this petitioner vide Annexure-2 of this petition. As per agreement, the petitioner gave a post dated cheque by way of security which has been used by the informant. He further submits that the dispute between the parties is purely a civil dispute and so no offence under Section 420 and other sections of the IPC is made out. The petitioner is in custody since 02.04.2018.

The learned APP as well as the informant opposed the submissions.

Considering the nature of dispute, facts and circumstances of the case, prayer for bail is allowed. Let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of CJM, Khagaria in connection with Khagaria (Chitragupta Nagar) P.S. Case No.02 of 2018.

- (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 cooperate in the disposal of trial and make themselves



available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

B.Kr./-

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