

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35119 of 2018

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1. Anil Kumar Gupta, S/o Late Jagdish Gupta, a resident of Village- Nagra,
P.S.- Nagra O.P., Khaira, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 03-07-2018

Heard both sides.

The petitioner apprehends his arrest in Khaira(Nagra)
P.S. Case No.4 of 2017 registered under Sections 420, 406, 120B
of the Indian Penal Code and 138 of N.I. Act.

The informant alleged that he gave Rs.1,50,000/- to the
petitioner for doing a business on the condition that the petitioner
returned Rs.7,500/- every month. The informant received income
of the business for seven months but thereafter the petitioner
neither gave principal amount nor gave benefit of the business.
The petitioner is said to have given three cheques of Mainuddin
Ansari but when the cheques were presented, the cheques were not
honoured.

The learned counsel for the petitioner submits that the



petitioner did not receive any money from the informant for investment in his business. The petitioner did not give any cheque issued by Mainuddin Ansari to the informant and he has falsely been implicated in the case. No offence under Section 138 N.I. Act is made out against the petitioner.

Having considered the fact that there is no chit of paper that informant gave Rs.1,50,000/- to the petitioner for investment in his business and cheques which are said to have been dishonoured are signed by Mainuddin Ansari, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran in connection with Khaira(Nagra) P.S. Case No.4 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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