

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48577 of 2017

Arising Out of PS.Case No. -1078 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Mohammad Nayeem Son of Late Mohammad Ishaqua, R/o Federal
Colonry, Ishapur, Phulwari Sharif, P.S.- Phulwari Sharif, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pratik Khan, Son of Pankaj Kumar Khatri, R/o Village- Sahganj, P.S.-
Sultanganj, District- Patna.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 19-01-2018 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks anticipatory bail in connection with
Complaint Case No. C.A. No. 1078 of 2014 instituted for the
offences under Sections 420, 384, 385, 504/34 and 506 of the
Indian Penal Code.

The allegation of the complainant is that he had taken a
sum of Rs. 13,50,000/- as loan from the petitioner herein
whereafter the complainant is said to have returned the said
money. It is further alleged that when the complainant demanded
for the three cheques which he had given to the petitioner herein
as the security to the aforesaid amount, the petitioner refused to
return the same and instead abused him as well as sent a legal
notice to him.



The learned counsel for the petitioner submits that there is no material on record to show that the complainant has returned the said loan amount of Rs. 13,50,000/- and the cheque which was handed over to the petitioner by the complainant by way of repayment of the said loan amount had bounced, upon presentation in the bank. It is further submitted that the complaint is misconceived and if at all any liability is made out it is under a civil law and the criminal liability is not made out, hence the present case has been filed with oblique motive. The notice has been validly served on the opposite party no. 2 but still he has failed to appear before this Court which leads to the conclusion that the petitioner has no stand to take before this Court.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner above named on anticipatory bail in the event of arrest / surrender before the learned court below within six weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Patna City in connection with Complaint /CA Case No. 1078 of 2014 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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