

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14599 of 2018

Arising Out of PS.Case No. -1179 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Upendra Kumar S/o Sri Jai Narayan , R/v Mitramandal Colony, near Sadhu Yadav House, Opposite Yogendra Yadav Anishabad, P.S.- Gardanibagh, Distt.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Paritosh Kumar Tripathi, aged 54 Years, S/o Late Surendra Nath Tripathi, R/v A.B. Niketan, Thana Road, Khagaul, P.S.- Khagaul, Distt.- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha
For the Opposite Party/s : Mr. Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 10-07-2018 The petitioner is apprehending his arrest in connection with Complaint Case No. 1179 of 2016, registered for offences punishable under Sections 138 of the N.I. Act and Section 420 of the Indian Penal Code.

Allegation as per complaint petition that petitioner has taken a friendly loan of Rs. 1,00,000/- from the complainant and when the complainant asked to return the said amount, he issued a cheque of Rs. 1,00,000/-, which was dishonored by the bank on presentation.

It has been submitted on behalf of the petitioner that out and out false and frivolous allegation has been levelled. In fact the complainant's family has entered into an agreement to sale their



land and building for a consideration of Rs. 94 lacs and petitioner has paid all the money to the sharer of the said property and only then the sale deed was registered and petitioner was given possession over the said property and the petitioner has been given in writing on 02.11.2015 from the complainant side that no amount is due. However, the complainant came with false and concocted case.

Heard learned A.P.P. also.

It appears that earlier notice was issued to the complainant in this case, however, notice being validly served, none has appeared on behalf of the complainant.

Having heard both sides, in view of the above facts, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Patna in connection with Complaint Case No. 1179 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Vinod Kumar Sinha, J)

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