

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5857 of 2018

Arising Out of PS.Case No. -607 Year- 2017 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Raj Kishore Prasad @ Munna S/o Late Ganesh Ram , R/o Mohalla- Bisati
Patti (Loharpatti), Ward No. -6, P.S.- Town, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jai Prakash @ Bunty S/o Krishna Chandra Kanaujia, R/o Mohalla-
Bisati Patti (Loharpatti) Ward No.-6, P.S.- Town, District- East
Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar

For the Opposite Party/s : Mr. Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 01-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is apprehending his arrest
in connection with Motihari Town P.S. Case No. 607/2017
registered for offences under sections 406 and 420 of the Indian
Penal Code.

The First Information Report has been lodged on
4.9.2017 making an allegation that there was an agreement to sell
a land on the consideration amount of Rs. 17 lacs and, having paid
Rs. 75,000/- and has also received total Rs. 12,20,000/- time to
time but, now he refused to execute the sale deed and is also not
returning the same.



Learned counsel for the petitioner has submitted that it is just a malicious application in view of the fact that he has filed a complaint petition earlier vide Complaint Case No. 2209 of 2017 for dishonour of the cheque which was given to the petitioner of an amount of Rs. 9,58,000/-. When the cheque was returned back to the petitioner, the aforesaid complaint case was lodged by the petitioner. He has further submitted that when the cheque was returned, having no sufficient amount and when the Informant could know about this incident, he has filed the present case.

Looking to the entire facts and circumstances of the case, let the petitioner, namely, Raj Kishore Prasad @ Munna, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 607 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shivaji Pandey, J)

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