

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20347 of 2018

Arising Out of PS.Case No. -28775 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Wasif Nisar, S/o Dr. Nisar Ahmad , R/o House No. 249, Mohalla- Chaudhri Saray, Ansh, 152/250 near Panch Palkar Badheu Bareli (U.P.) At present C/o Middle East Construction and Service at First Floor Second B Across OMBRLAYOUAT, Bansawadi, Banglore- Karnataka.

.... Petitioner

Versus

1. The State of Bihar.
2. Ramji Singh, S/o Late Ramashish Singh, R/o Mohalla- Civil Court, P.S.- Pirbahor, District- Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Mukesh Kumar, Advocate.
For the State : Mr. Jagdhar Prasad, A.P.P.
For the O.P. No. 2 : Mr. Santosh Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-09-2018 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the opposite party no.

2.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 406 of the IPC and 138 of
N.I. Act.

The prosecution story, in brief, is that the petitioner-
accused has taken Rs. 5,00,000/- from the complainant as friendly
loan on 19.08.2014. It is further alleged that on demand the
complainant received a cheque of Rs. 1,00,000/- on 10.06.2014



from the petitioner-accused as part payment to clear the debt amount of Rs. 5,00,000/- but the same became dishonoured due to stop payment.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. There is dispute in respect of Rs. 1,00,000/-. The petitioner drew attention of the Court vide Annexure-2 which is full and final settlement between the parties in respect of amount in question. The complainant has also put his signature on the said document.

On behalf of the learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case. It has been submitted that Annexure-2 is not the full and final settlement made between the parties.

Considering the fact that the disputed fact cannot be decided in the present proceeding, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned J.M. Ist Class, Patna, in connection with Complaint Case No. 28775 (C) of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

