

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19192 of 2018

Arising Out of PS. Case No.-284 Year-2017 Thana- CHATOUNI District- East Champaran

Md. Shakib Hassan, Son of Md. Rafique, Resident of Mohalla- Agrwa, Ward
No.32, P.S.- Motihari (Town), District- East Champaran. Petitioner/s
Versus

1. The State of Bihar.
2. Reyazul Haque, Son of Late Manzoor Mian, Resident of Village- Belwatia,
P.S.- Sugauli, District- East Champaran. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan
For the Opposite Party/s : Mr. Dilip Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 20-11-2018 The petitioner who is the informant of Chhatauni

P.S. Case No. 284 of 2017 seeks cancellation of bail of

Opposite Party No. 2 which was granted to him by order

dated 02.01.2018 passed by the learned Sessions Judge,

East Champaran, Motihari.

From the records of the case, it appears that the

cheque issued by Opposite Party No. 2 for the amount of Rs.

5,00,000/- which he had taken as an accommodation loan

could not be encashed because of insufficiency of funds in

his account.

The Opposite Party No. 2 has a different story to

narrate. He had stated before the court below that there was

an agreement for sale by the petitioner (complainant) /



informant for a plot of land which was agreed to be purchased by Opposite Party No. 2 for a consideration amount of Rs. 12,00,000/-. As part payment, Rs. 5,00,000/- was paid but later the Opposite Party No. 2 realized that the complainant/informant (petitioner) did not have the ownership of the land. When the money was demanded back, the present case was lodged.

Thus the court below, finding that there was a counter version of the occurrence, granted bail to Opposite Party No. 2.

It further appears that the Opposite Party No. 2 had remained in jail for about two months before the bail was granted to him.

No good ground has been made out by the petitioner (informant) for cancellation of bail of Opposite Party No. 2.

The petition is dismissed.

(Ashutosh Kumar, J)

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