

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41309 of 2018

Arising Out of PS. Case No.-113 Year-2013 Thana- GAYA COMPLAINT CASE District-
Gaya

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Kailash Nishad, Son of Late Hari Mallah, Resident of Village New Taridih,
Bhagalpur, P.S. Bodh Gaya, District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pardeep Kumar, Son of Late Ram Lakhan Yadav, Resident of Baiju Bigha,
P.S. Bodh Gaya, District Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Samir Kumar Sinha
For the Opposite Party/s : Mr. Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner, already in custody, seeks bail in connection
with Complaint Case No.113 of 2013 in which cognizance has
been taken under Section 406 of the Indian Penal Code and
Section 138 of the N.I. Act.

Allegation in brief is that the petitioner purchased iron
bar and cement and paid Rs.5,90,000/- through cheque, but on
presentation in the bank, it got bounced and even after the
statutory notice, money was not paid.

Learned counsel for the petitioner submits that the
petitioner had purchased iron bar and cement and had paid the



money and the petitioner gave a blank cheque as a security for future transaction and that was misused; whereas the learned counsel appearing on behalf of the complainant submits that the complainant supplied cement and iron bar worth Rs.5,90,000/- and the petitioner issued a cheque that got bounced and thereafter several reminders and submission of statutory notice, money was not returned back.

Having considered the aforesaid facts and circumstances, presently the prayer of bail of the petitioner is rejected with a direction to the trial court to conclude the trial within six months.

If the trial is not concluded within the stipulated period, the petitioner may renew his prayer of bail.

(Arun Kumar, J)

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