

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42086 of 2018

Arising Out of PS. Case No.-1730 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Rajendra Kumar Ojha Son of Late Bhagwan Ojha, resident of Village-
Shahpur, Police Station- Shahpur, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Baljeet Singh Barnala Son of Uday Shankar Rai Resident of Ashiana More
P.S. Hawai Adda District Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Surendra Kumar Singh
Mr. Prabhat Kumar Singh

For the State : Mr. Md. Fahimuddin

For the Opposite Party : Mr. Mukund Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-07-2018 Heard the learned counsel for the petitioner,
informant and the State.

The petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No.1730 of 2017 dated 23.05.2017 instituted for the offences under Sections 420 and 406 of the Indian Penal Code and Section 138 of the N.I. Act.

The complainant has alleged that because of his old acquaintance with the petitioner, he gave a loan of Rs. 2.5 lakhs to him and by way of security, he obtained a post-dated cheque of Rs. 2.5 lakhs. The aforesaid cheque issued by the petitioner, when deposited in the bank, bounced. It has further been alleged in the



complaint petition that when the petitioner was contacted, he refused to even recognize the complainant/opposite party no. 2.

Learned counsel for the petitioner has submitted that no doubt loan was taken by him from the complainant but after some time, the loan was returned in installments. The money was returned through various modes including RTGS in the account of the complainant/opposite party no. 2.

The aforesaid assertion of the petitioner is denied by the learned counsel appearing for the complainant/opposite party no. 2.

However, regard being had to the fact that the offence primarily is with respect to dishonour of cheque, attracting the provisions of Section 138 of the N.I. Act which is a compoundable offence and the assertion of the petitioner that the cheque which was issued by him was a security cheque, the petitioner above named is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 3, Patna in



connection with Trial No. 55 of 2017, arising out of
Complaint Case No. 1730(C) of 2017, subject to the
conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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