

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31616 of 2018

Arising Out of PS.Case No. -1278 Year- 2016 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Gyanesh Kumar, Son of Sri Kaushal Kishore, resident of Village-
Bhadai, Police Station- Hathauri in the district of Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sanjay Kumar Singh, Son of Sri Ram Pukar Singh, resident of Mohalla-
Prakash Path, Ahiyapur, Police Station- Ahiyapur in the District of
Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar
For the Opposite Party/s : Mr. Sri Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-08-2018 The petitioner is apprehending his arrest in connection
with Complaint Case No. 1278/2016, Tr. No.1380/2018,
registered for offences punishable under Section 406 of the Indian
Penal Code and Section 138 of N.I. Act.

Allegation against the petitioner is that he had taken
Rs.4,25,000/- from the informant and he did not returned the same
and the cheque given by the petitioner has been dishonored by the
bank on presentation.

Submission of learned counsel for the petitioner is that he
has already returned the money, which is evident from the
photocopy of Passbook of the petitioner (Annexure-2) and the



cheque, which has been dishonored by the bank on presentation was given only as a security.

Heard learned A.P.P. as well as learned counsel for the informant, they have opposed the prayer for bail of the petitioner by stating that earlier Rs. 4,50,000/- was taken, which was returned in the year 2014 and this is the transaction of the year 2016.

Having heard both sides and from perusal of the complaint petition, it does not appear that the petitioner had earlier also taken Rs.4,50,000/- which has been returned by the petitioner, as such, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Complaint Case No. 1278/2016, Tr. No.1380/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, it is further subject to the condition that:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable



property within the jurisdiction of the
concerned Court.

(Vinod Kumar Sinha, J)

sunil/Amjad/-

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