

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35876 of 2018

Arising Out of PS.Case No. -2064 Year- 2017 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

1. Syed Nawaz Ali aged 32 years, S/o Nabab Ali @ Syed Nabab Ali, resident of Mohalla- Line Bazar, Naya Tola, Purnia, P.S.- K.Hat, District- Purnia.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajiv Ranjan Singh (Pro. M/s Interprises) S/o Shyam Narayan Singh, resident of Village- Gosai Tola More, Main Road Kurji, Digha Road, P.S. Patliputra, District Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Nand Jha, Adv.

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 27-08-2018 The petitioner is apprehending his arrest in connection with Complaint Case No. 2064(C)/2017, registered for offences punishable under Sections 406 and 420 of the Indian Penal Code as well as under Section 138 of the Negotiable Instruments Act.

Allegation as per complaint petition is that complainant entered into an agreement with the petitioner to purchase E-rickshaw, for which, he transferred Rs. 6,01,000/- . through R.T.G.S. in the account of the petitioner but neither the said E-rickshaw was supplied nor the money was returned and when the complainant pressurize the petitioner to return his money he gave two cheques one of Rs. 1,00,000/- and another of Rs. 5,00,000 and



It is alleged that the cheque of Rs. 1,00,000/- was dishonored by the bank on presentation.

It has been submitted on behalf of the petitioner that he has given the cheques of Rs. 5,01,000/- and Rs. 1,00,000 and the only the cheque of Rs. 1,00,000/- was dishonored and the cheque of Rs. 5,01,000/- is still with him and also a cheque issued by one Amitabh Kumar of Rs. 6,01,000/- as guarantee is also with the complainant. It has further been submitted that petitioner is ready to return the aforesaid amount to the complainant if some reasonable time is allowed and the petitioner may also be directed to return the aforesaid cheques one given by the petitioner of Rs. 5,01,000/- and another cheque of Rs. 6,01,000/- which was given by the Amitabh Kumar.

Heard learned A.P.P. as well as learned counsel for the complainant.

Having heard both sides, considering the facts and circumstances of the case, this application is disposed of with direction to the petitioner to surrender before the court below within a period of six weeks with a demand draft of Rs. 2,01,000/- drawn in favour of the complainant and the court below after verifying the same shall release the petitioner on provisional bail to his own satisfaction for a period of four months, during which



period the petitioner shall deposit the remaining amount of four lacs in four equal installments payable in the first week of each month, which will be released in favour of the complainant and failure to pay any of the installments will make the petitioner liable for cancellation of his provisional bail and if the entire amount of Rs. 6,01,000/- is paid to the complainant, the provisional bail granted to him shall be confirmed by the court below.

It is made clear that the complainant shall return the cheque of Rs. 5,01,000/- given by the petitioner and also the cheque of Rs. 6,01,000/- given by the said Amitabh Kumar.

It is also made clear that the amount is to be paid by the petitioner to the complainant shall be subject to the outcome of the case.

(Vinod Kumar Sinha, J)

sunil/-

U		T	
---	--	---	--

