

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26078 of 2018

Arising Out of Case No. -981 Year- 2016 -MUNGER COMPLAINT CASE District- MUNGER

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1. Ravi Kumar son of Sri Rajendra Prasad Sah Resident of Jamalpur
Dharmshala Road, Near Rampur Colony, P.S. Jamalpur, District - Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jai Prakash @ Badal son of Sri Ramvilas Prasad Resident of Mohalla
Keshopur, Hakri Gola Road, Jamalpur Ward No. 25, P.S. Jamalpur, Dist.
Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Priya Gupta

For the Opposite Party/s : Mr. Sri Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 07-05-2018 Heard the leaned counsel for the petitioner, the
learned counsel for the complainant and the learned APP.

The petitioner apprehends his arrest in Complaint
case No. 981(C) of 2016 for the offences allegedly committed by
the petitioner under Section 406 of the Indian Penal Code and
under Section 138 of N. I. Act.

The complainant alleged that petitioner took money
from him for doing contract work and on demand the petitioner
gave three cheques on 12.08.2016 but the cheques given by the
petitioner returned by the bank due to non availability of money in
the account of petitioner.



The learned counsel for the petitioner submits that petitioner is on lending and borrowing terms with the complainant. The petitioner took money from the complainant and returned the same on different dates. The last payment of Rs. two lacs was made on 09.11.2015, which would appear from Annexure-2 series, the statement of account of the petitioner. It is further submitted that father of the petitioner filed Jamalpur P.S. case No. 105 of 2016 on 12.08.2016 as the complainant and others assaulted the informant, father of the petitioner, and the petitioner for non payment of money.

On the other hand, the learned counsel for the complainant, vehemently opposed the prayer for anticipatory bail and submitted that from perusal of Annexure-3, the FIR lodged by the petitioner of petitioner, it appears that petitioner took loan of Rs. 5,28,000/- and gave cheque to the complainant.

It appears that the complainant and petitioner are on lending and borrowing terms. From the perusal of statement of account of petitioner, it appears that petitioner paid money to the complainant through the cheques. The case of the petitioner is that the cheques were handed over to the complainant as security but the same were illegally presented in the bank only to implicate the petitioner.



Considering the facts aforesaid and the fact that the dispute arose between two sides for lending and borrowing of money, the petitioner above named in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IV, Munger in connection with Complaint case No. 981(C) of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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