

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5541 of 2019

Arising Out of PS. Case No.-2105 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Sanjeet Paswan @ Sanjit Paswan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Kumar Mishra, son of Late Ram Bilash Mishra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi
For the Opposite Party/s : Mr.Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 13-03-2019 Heard the parties.

The petitioner seeks anticipatory bail in connection with Complaint Case No. 2105 of 2017, registered for offences punishable under Section 420 of the Indian Penal Code and Section 138 of N.I.Act.

Allegation as per F.I.R. against the petitioner is of taking Rs. 7,00,000/- from the informant on the pretext of using his garment business with a condition that he will repay the same in twelve installments, each containing Rs. 21,000/-per month to the complainant as share of profit but the petitioner did not return the monthly profit nor returned the principal amount and finally the complainant pressurized the petitioner that he returned him seven cheques and the petitioner issued seven



cheques each of Rs one lac but the same was disowned.

Submission of the learned counsel for the petitioner is that the petitioner has falsely been implicated in this case and Section 138 of the N. I. Act is made out and accordingly order taking cognizance is bad in law and the petitioner has no criminal antecedents.

Heard learned A.P.P. as well as learned counsel for the informant submits that the allegation was made by the complainant in the year, 2016.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner surrender within a period of six weeks from receipt of order and deposit of bank draft of Rs one lac in favour of Opposite Party No. 2 and on that the petitioner shall be released on provisional bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Complaint Case No. 2105 of 2017, subject to the conditions that the petitioner shall return the rest of the amount in six equal installment of Rs. One lac by bank draft payable in the name of the complainant in the first week of each month and if the total amount is deposited, the bail bond of the petitioner shall be confirmed. It is also



made clear that once first installment is being paid by the petitioner, the Opposite Party No. 2 will not object to remove the articles from his shop.

Accordingly, this application is disposed of.

(Vinod Kumar Sinha, J)

sudha/-

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