

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7609 of 2019

Arising Out of PS. Case No.-1198 Year-2014 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

RAJU MAHTO S/o Late Bihari Mahto R/o village- Gehumi, P.O- Shivdhara,
P.S- Sadar O.P. Mahbi, District Darbhanga.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Parasnath Rai S/o Late Ramji Rai R/o village- Jagdishpur, P.O- Jagdishpur,
P.s. Vijaypur, District Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shahid Akhtar
For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 18-06-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.1198 of 2014, Trial No.10 of 2018 , registered for offences punishable under Section 406 of the Indian Penal Code.

Allegation against the petitioner as per the complaint case is that both the complainant and the petitioner were working in an Arabian Country and when they returned, the complainant started Rice Mill business at his house and it is further alleged that the petitioner demanded Rs.03 lac as friendly loan and the complainant has given the same relying



on the assurance of the petitioner but the petitioner did not return the same and when the complainant demanded his money, the petitioner gave a cheque of Rs.01 lac bearing No.712243 dated 13.1.2014 to the complainant issued in favour of Shri Ram Rice Mill and assured to return the amount but the cheque bounced and he did not return the amount.

Submission of the learned counsel for the petitioner is that both the parties were working in Arabian Country and after returning they started business and the petitioner was a partner in that business and as there was some difference in the partnership as such he has given a blank cheque to the complainant and using the same the present false and concocted case has been lodged. It is further submitted that falsity of the case will appear that if the petitioner would have taken friendly loan from the complainant, the cheque would have been issued in the name of complainant and not in the name of Shri Ram Rice Mill and that clearly falsify the case of the petitioner .

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground that there are *prima facie* materials against the petitioner.



Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM- X, Gopalganj in connection with Complaint Case No.1198 of 2014, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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