

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8146 of 2019

Arising Out of PS. Case No.-228 Year-2014 Thana- PATLIPUTRA District- Patna

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Vishal Yadav @ Ajay Kumar S/o Sri Mohan Roy R/o Land Owner of
Balkishun Market, Rajiv Nagar in front of Dewanti Sweets, P.S-Patliputra,
District-Patna.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

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Appearance :

For the Petitioner	:	Mr. Vibhuti Ranjan Sonvadra, Advocate.
For the State	:	Mr. Binod Kumar, A.P.P.
For the Informant	:	Mr. Shailendra Kumar Singh, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 06-05-2019 Let the supplementary affidavit filed on behalf of the

petitioner be kept on the record.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel for the

informant.

The petitioner apprehends his arrest in connection

with Patliputra P.S. Case No.228 of 2014 registered under

Section 420 of the Indian Penal Code besides Section 138 of the

N.I. Act.

The accusation is that the informant Chandra Shekhar

had taken the premises of the petitioner on rent. At that time,

the informant paid Rs.4,00,000/- to the petitioner as advance but



at the time of vacating the premises, Rs.1,50,000/- of the informant was due against the petitioner. Accordingly, the petitioner issued two cheques, one of Rs.1,00,000/- and another of Rs.50,000/- but when the informant placed both the cheques in the bank, both the cheques were dishonoured due to insufficient fund. As such, the petitioner cheated the informant.

Learned counsel for the petitioner submits that vide order dated 13.02.2019 passed by a Bench of this Court, direction was given to the petitioner to pay the amount of Rs.1,50,000/- to the informant within eight weeks. Accordingly, the petitioner approached the trial court for issuing notice to the informant but the informant did not appear. Thereafter, the petitioner deposited Rs.1,50,000/- in the Nazarat of the Patna Civil Courts, Patna, within time, which would appear from Annexure-4 series to the supplementary affidavit filed on behalf of the petitioner.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna,



in connection with Patliputra P.S. Case No.228 of 2014, subject to the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the informant approaches the trial court for receiving the amount of Rs.1,50,000/- as deposited by the petitioner in the Nazarat of the Patna Civil Courts, Patna in his favour, the trial court release the aforesaid amount in favour of the informant without any delay.

(Rajendra Kumar Mishra, J)

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