

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9636 of 2019

Arising Out of PS. Case No.-252 Year-2018 Thana- SIMRI District- Buxar

Shankar Ji Singh @ Shankar Singh, Son of Lalan Singh, Resident of Village –
Sahiyar, P.S. Simari, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bharat Rai, Son of Late Sri Ram Resident of Village –Ekauna, P.S. Simari,
District- Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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

ORAL ORDER

3 09-05-2019 Heard learned counsel for the petitioner, learned
counsel for the opposite party no.2 and the learned A.P.P. for the
State.

The petitioner apprehends his arrest in connection
with Simari P.S. Case No. 252 of 2018 registered under Sections
406 and 420/34 of the Indian Penal Code and Section 138 of the
N.I. Act.

The accusation is that petitioner being the friend of
complainant-informant, Bharat Rai, approached to complainant-
informant and took Rs.10,20,000/- in terms of agreement dated
03.09.2017 and accordingly, petitioner mortgage his land, as
detailed in the complaint petition. According to agreement, the



money was to be refunded by the petitioner to the informant-opposite party no.2 till 05.11.2017, and if the money will not be refunded in time then complainant-opposite party no. 2 will sale or mortgage the property to anyone. But in spite of repeated demand, petitioner did not take any heed to return the money. On 04.05.2018, when complainant-opposite party no.2 sent legal notice to the petitioner then petitioner handed over cheque of Punjab National Bank but the cheque was dishonored due to insufficient money in the account of the petitioner.

Learned counsel for the petitioner submits that, in fact, on 12.10.2017, in the morning, Markenday Rai and Srikanth Rai, brothers of the informant of the present case, came at his house and accompanied him for accounting of brick kiln and when he reached at the office of brick kiln then informant along with his brothers got his thumb impression on the stamp paper forcibly and caused injury through fist and slaps and snatched cash of Rs.25,000/-, mobile and also took blank cheque of the petitioner, regarding which, Simari P.S. Case No. 270 of 2018 is instituted on 12.10.2017 on the basis of written report of petitioner against the complainant-informant of the present case and his brothers.

Having regard to the facts and circumstances of the



case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Buxar, in connection with Simari P.S. Case No. 252 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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