

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8461 of 2019**

Arising Out of PS. Case No.-81 Year-2017 Thana- CHHATAUNI District- East Champaran

ABDUL KALAM @ ABDUL KALAM ANSARI S/o Late Abdul Ajij Ansari
Mohalla-Nakchhed Tola, P.S-Motihari Town,

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ritesh Kumar S/o Sri Vishwanath Singh Mohalla-Bank Road, Chhatauni,
P.S-Chhatauni,

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.Iii

For the Opposite Party/s : Mr.Ram Naresh Ray

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

4 17-10-2019 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with
G.R.Case No.1849 of 2017 arising out of Chhatauni P.S.Case
No.81 of 2017, registered for offences punishable under
Sections 406 and 420 of the Indian Penal Code and Section 138
of the N.I.Act.

As per FIR, petitioner is said to have taken loan of Rs.03
lac for treatment of his wife and handed over a cheque of
Rs.50,000/- which bounced and he has also not returned rest
of the amount, for which legal notice has been given to the
petitioner several times.

Submission of the learned counsel for the petitioner is



that as a matter of fact the informant was agreed to sale an alto car on consideration money of Rs.1,25,000/- , out of which a cheque of Rs.50,000/- was given to the informant and Rs.75,000/- was given in cash but the sale deed has not been executed and with respect to the same the petitioner has filed a complaint petition against the informant and as such the petitioner has falsely been implicated in this case.

Heard learned A.P.P. and the learned counsel for the O.P.no.2, who has submitted that the cheque of Rs.50,000/- has been dishonoured on the ground of insufficient money and the plea taken by the petitioner does not appear to be sustainable as several legal notices have been given to the petitioner. .

Having heard both sides and from the impugned order, it appears that some of the witnesses have also supported the case of the petitioner that there is dispute between the parties with respect to purchase and sale of alto car, as such let the petitioner, above named, in the event of arrest or surrender before the learned court below, 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 CJM, Motihari, East Champaran in connection with



G.R.Case No.1849 of 2017 arising out of Chhatauni P.S.Case No.81 of 2017, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and one of the bailors shall be local one and further condition that he will co-operate in the investigation and shall appear as and when required.

With the above direction, this application is allowed.

(Vinod Kumar Sinha, J)

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