

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10779 of 2019

Arising Out of PS. Case No.-438 Year-2016 Thana- MOTIHARI TOWN District- East
Champaran

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Vikash Kumar Son of Chandrika Singh, Resident of Village - Rampurwa,
P.S.- Harsidh, Distt - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-02-2019 Heard both sides.

The petitioner apprehends his arrest in Motihari Town
P.S. Case No.438 of 2016 registered under Sections 406, 420 of
the Indian Penal Code and under Section 138 of the N.I. Act.

The informant alleged that the petitioner took
Rs.2,60,000/- for providing a tractor as the petitioner is
proprietor of M/s Sai Tractor but the petitioner did not hand
over tractor to the informant. After sometime, the petitioner is
said to have handed over a cheque of Rs.1,60,000/- to the
informant but when the cheque was presented on 19.01.2016 in
Punjab National Bank, the cheque was returned with
endorsement that no sufficient fund was available in the account
of the petitioner.

Learned counsel for the petitioner submits that the



story of giving a tractor after receipt of Rs.2,60,000/- is false and concocted. The petitioner is on lending and borrowing term with the informant. It is submitted that no offence under Section 406 or 420 of I.P.C. is made out against the petitioner. It is further submitted that, as per allegation, the cheque was presented in the bank, which was returned on account of insufficient fund, but no notice as required under N.I. Act is given to the petitioner within the stipulated period and the case was lodged only after six months from the alleged date of presentation of the cheque.

Having considered the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari in connection with Motihari Town P.S. Case No.438 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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