

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12013 of 2019**

Arising Out of PS. Case No.-9 Year-2018 Thana- PAKARIBARAW District- Nawada

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MD. TANVIR MURTAZA, Son of Late Gulab Murtaza, Resident of Mohalla
- Azad Mohalla, P.S.- Plantsite Rourkela, District - Sundargarh (Urissa)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Adv.

For the Opposite Party/s : Mr.Ashraf Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 30.11.2018 in a case registered for the offences punishable under Sections 406, 420, 504 and 506 of the Indian Penal Code.

The prosecution case is that the petitioner, being the brother-in-law of the informant, took a loan of Rs.4,50,000/- from the informant. Subsequently, when the informant asked the petitioner to return the said loan amount, then the petitioner gave a cheque of Rs.2,60,000/-, but when the informant went to the bank to encash the cheque, he was



conveyed that sufficient amount is not available in the bank account of the account holder and the said bank account has been permanently closed.

It is submitted by learned counsel for the petitioner that the petitioner is the brother-in-law of the informant and in the background of personal dispute, the petitioner has been roped in the present case. It is further submitted that there is no proof with regard to the alleged amount being paid to the petitioner and this is not the case of the informant that he presented the cheque issued by the petitioner before the bank for encashment. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant submits that the petitioner has cheated the informant by not returning the loan amount taken by him.

Considering the nature of accusation and the period under custody, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released 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



Judicial Magistrate, 1st Class, Nawada, in connection with
Pakaribarawan P.S. Case No.9 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

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