

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26442 of 2019

Arising Out of PS. Case No.-1016 Year-2018 Thana- JAHANABAD District- Jehanabad

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RAMJIWAN KUMAR Son of Late Kalim Paswan Resident of Village -
Mainamatth, P.S.- Ghoshi, District- Jehanabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Sharma
For the Opposite Party/s : Mr. Murli Dhar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 24-04-2019 Heard both sides.

The petitioner apprehends his arrest in Jehanabad P.S.
case No. 1016 of 2018 registered under Section 406, 420, 506 of
the IPC and u/s 138 of N. I. Act.

The informant alleged that petitioner borrowed Rs.
four lacs from him for the treatment of his wife but on demand
he did not return the amount. The petitioner is said to have given
cheque No. 917712 of Rs. four lacs but when the cheque was
presented the bank did not encash the same due to non
availability of fund.

The learned counsel for the petitioner submits that
petitioner borrowed only Rs. 40,000/- as guarantee but the
informant made interpolation in the cheque and enhanced the
amount to Rs. four lacs by adding one zero. No offence u/s 406



or 420 is made out. The procedure for institution of complaint for the offence u/s 138 of N.I. Act has not been followed but the learned counsel for the informant submits that petitioner gave cheque of Rs. four lacs but the same was dishonoured.

Taking into consideration the facts that the dispute arose on account of borrowing and returning the borrowed money, the petitioner claims that he took only Rs. 40,000/- where the informant claimed that he lent Rs. four lacs, the petitioner, above named, in the event of his arrest/ surrender before the 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 his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Jehanabad P.S. case No.1016 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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