

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32624 of 2019**

Arising Out of PS. Case No.-1050 Year-2017 Thana- MUNGER COMPLAINT CASE
District- Munger

NIWAS PRASAD SINGH Son of Late Swaraj Prasad Singh Resident of
Village- Vindwara, P.O. and P.S.- Kasim Bazar, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prabhakar Kumar Poddar Son of Late Shiv Poddar Resident of Village-
Maksaspur, Khanka Bada, Gali number 3 PS- Kasim Bazar, P.O and District-
Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binodanand Mishra
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 17-09-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.1050C of 2017 dated 12.10.2017 registered for offences punishable under Section 420 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act, 1881.

Prosecution case is that the petitioner asked for Rs.1,25,000/- as loan from the complainant with assurance to return the same , on which the complainant had given that amount. It is further stated that thereafter the petitioner has handed over a cheque of Rs.1,25,000/- but that was dishonoured due to insufficient money. Thereafter legal notice was given to



the petitioner but he has not returned the amount.

Submission of the learned counsel for the petitioner is that as a matter of fact the cheque was given only as an undertaking to the complainant but he used the same and got it bounced, however, the learned counsel for the petitioner after some argument is ready to return 30% of the admitted amount of Rs.01 lac.

Heard learned A.P.P. and the learned counsel for the O.P.no.2, who has opposed the prayer for bail on the ground that the petitioner is habitual defaulter and several of his cheques have been bounced and other cases are also pending against him, which have not mentioned in para no.3 of the petition..

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner surrender before the learned court below within a period of two weeks from the date of receipt of the order and on surrender the learned court below shall first verify the antecedent of the petitioner and if he is satisfied that the petitioner has no antecedent, on payment of Rs.30,000/- by a bank draft in favour of the O.P.no.2, he will release the petitioner on bail on bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount in connection with Complaint Case



No.1050C of 2017 dated 12.10.2017 and the above deposit of the amount shall be subject to final outcome of the case. It is also made clear that if the O.P.no.2 approaches the learned court below for release of the above amount, the same shall be released in favour of the O.P.no.2 on his undertaking that the above amount shall be subject to final outcome of the case. It is also made clear that if the learned court below finds criminal antecedent of the petitioner, the bail bond of the petitioner shall be cancelled.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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