

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30727 of 2019

Arising Out of PS. Case No.-527 Year-2018 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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NAVEEN KUMAR Son of Surendra Poddar Resident of Village - Maniyappa,
P.S.- Matihani, Distt - Begusarai. At present resident of village - Dhabauli,
P.S.- Muffasil, Distt - Begusarai.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ranjeet Kumar Son of Harihar Kunwar Resident of Village - Maniyappa,
P.S.- Matihani, Distt - Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Ojha
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 26-11-2019 Petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 527C of 2018 registered for the offences punishable under Sections 406, 420 of the Indian Penal Code and Section 138 of N.I. Act.

As per complaint petition allegation against the petitioner is that he has taken Rs.5 lac as loan from the complainant for construction of his house and he has not returned the amount and later on he has issued two cheques but on production the same dishonoured.

Submission of learned counsel for the petitioner is that real fact is that petitioner is a fruit seller and he has taken Rs.5 lac and he has returned some of amount on instalment,



which will appear from Annexures 3 and 4, the letter pads of shop of the petitioner as well as Bank account and altogether he has paid Rs.2.62 lac and for rest of the amount he is ready to pay in instalment.

Heard learned APP and learned counsel for opposite party No.2, who has filed a counter affidavit stating that those amounts have been paid against the amount which he has taken earlier and not with respect to the present loan, which will appear from the fact that two cheques were issued by the petitioner to the complainant after payment of above amount. Learned counsel for the petitioner countered the above submission on the ground that the complainant is engaged in the business of money lender which will appear from the counter affidavit and those cheques were given as security earlier which had been misused by the complainant.

In view of above facts and circumstances, let petitioner, in the event of surrender, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Sri Juned Alam, Judicial Magistrate, 1st Class, Begusarai, in connection with Complaint Case No. 527C of 2018, subject to the conditions as laid down under Section



438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioner shall be a local person having sufficient immoveable property within the jurisdiction of the court concerned and further condition that petitioner will co-operate in the disposal of complaint case and appear in the court as and when required.

(Vinod Kumar Sinha, J)

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