

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33072 of 2019

Arising Out of PS. Case No.-39 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Sagar Raj Son of Shiv Narayan Tiwari, Resident of Tiwari Bhawan, Hari Om Nagar, Near Ambedkar Medical College, West Bailey Road, P.S.- Rupaspur, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Saukat Ali Son of Late Riyajuddin, Resident of Chhoti Khajol, Mahadev Ashthan, P.O. and P.S.- Khagaul, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Singh, Advocate
For the Complainant	:	Md. Fahimuddin, Advocate
For the State	:	Mr.Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-05-2019 Learned counsel appearing on behalf of the informant filed vakalatnama. Let the same be kept on record.

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The petitioner apprehends his arrest in Complaint Case No.39 (C) of 2017 registered under Sections 420 and 406 of the Indian Penal Code and under Section 138 of the N.I. Act.

The complainant alleged that he went to the clinic of Dr. Asif Raza for treatment of his wife but on the assurance of the said doctor that the son of the complainant would be admitted in a medical college on payment of Rs.25 lacs, the



complainant paid Rs.25 lacs to the petitioner but the son of complainant was not admitted in a medical college. It is further alleged that the petitioner gave two cheques of Rs.5 lacs each to the complainant but when the cheques were presented, both cheques were dishonoured.

Learned counsel for the petitioner submits that in fact the petitioner had borrowed Rs.5 lacs from the complainant and handed over two cheques as security. The petitioner has already paid the entire amount with interest in the account of complainant but the complainant taking advantage of the facts that the cheques were handed over to him for security, presented the cheques and got it bounced.

Learned counsel for the complainant opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is a habitual offender.

On the face of the records, it appears that the complainant himself wanted to get his son admitted in a medical college through backdoor. No chit of paper is annexed with the complaint petition showing any payment made to the petitioner. The petitioner claims that he borrowed Rs.5 lacs from the complainant and he has already paid the entire amount in the account of the complainant.



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 A.C.J.M. VI, Danapur in connection with Complaint Case No.39 (C) of 2017, 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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