

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33027 of 2019

Arising Out of PS. Case No.-74 Year-2019 Thana- MUFFASIL District- West Champaran

1. Vijay Sah Son of Shivji Sah Resident of Village - Siyarosati, P.S.- Manuapal, Dist.- West Champaran.
2. Chandan Kumar Son of Vijay Sah Resident of Village - Siyarosati, P.S.- Manuapal, Dist.- West Champaran.
3. Vikash Kumar Son of Vijay Sah Resident of Village - Siyarosati, P.S.- Manuapal, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-05-2019 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioners, Mr. Aditya Nath Jha, learned counsel for the
informant and learned A.P.P. for the State.

Petitioners apprehend their arrest in Bettiah Muffasil
P.S. Case No.74 of 2019 registered under Sections 420, 406,
504, 506, 385 and 34 of the Indian Penal Code and under
Section 138 of N.I. Act.

The informant made allegation that he lent Rs.25 lacs
on different dates to petitioner no.1 and petitioner no.1 handed
over him two cheques; one of Rs.10 lacs and another of Rs.15
lacs but when the cheques were presented to the bank, both



cheques were dishonoured.

Learned counsel for the petitioners submits that the petitioners did not borrow any amount from the informant. The informant is a close friend of the petitioner no.1 and as such he was on visiting term. The informant had stolen two cheques of petitioner no.1 and he has misused the same. When petitioner no.1 came to know about missing of the cheques, he gave in writing to the bank to stop payment. It is further submitted that there is no chit of paper to show that petitioner no.1 ever borrowed any money from the informant.

Learned counsel for the informant while opposing the prayer for anticipatory bail of the petitioners submits that the petitioner no.1 made endorsement on the cheques just below the signature of the informant but later on petitioner no.1 resiled from his undertaking to make payment of the entire borrowed amount.

It appears that there is a dispute between petitioner no.1 and the informant with regard to payment and lending of money. The informant claimed that he lent money to petitioner no.1 on different dates but petitioner no.1 denied the factum of borrowing money from the informant. Petitioner nos.2 and 3 are sons of petitioner no.1 and no specific allegation is made against



them.

Having considered the facts aforesaid, the above named petitioners, in the event of their 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, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Bettiah Muffasil P.S. Case No.74 of 2019, 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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