

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.43551 of 2019**

Arising Out of PS. Case No.-1436 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE  
District- Muzaffarpur

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Baidh Nath Sah, Aged about 72 years, Male, Son of Late Julum Sah, Resident of Village Agrail, P.S. Baligaon, District Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Nath Singh, Aged about 55 years, Male, Son of Late Jai Mangal Singh, Resident of Village Sakra Faridpur, P.S. Sakra, District Muzaffarpur.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Alok Kumar Alok  
For the Opposite Party/s : Mr.Md. Matloob Rab

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
ORAL ORDER

2      16-07-2019                      Heard both sides.

Petitioner apprehends his arrest in Complaint Case No.1436 of 2017, registered under Section 406 of the Indian Penal Code and 138 of the N.I. Act.

The complainant alleged that the petitioner borrowed Rs.4,40,000/- from the complainant. The petitioner had to deliver 20 trailer of bricks and the remaining amount was to be paid with interest but the petitioner did not make any payment.

Learned counsel for the petitioner submits that the petitioner delivered 20 trailer of bricks and paid the remaining amount in cash. The petitioner had given three cheques to the complainant as security but later on the complainant taking



advantage of the blank cheques given to him as security filed this case even after realization of the entire amount lent by him to the petitioner.

Considering the facts aforesaid and the nature of allegation made against the petitioner and the fact that the dispute appears to be on account of lending and borrowing of money, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, 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 the learned Sub-Judge-XIII-cum-A.C.J.M.-IV, Muzaffarpur in connection with Complaint Case No.1436 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

**(Prabhat Kumar Jha, J)**

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