

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61362 of 2018

Arising Out of PS. Case No.-910 Year-2018 Thana- PATNA COMPLAINT
CASE District- Patna

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Ashok Kumar Son of Gorakh Prasad, Resident of Mohalla- Kanti Factory,
M.G. Nagar, P.S. Agamkuan, District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Neeraj Chandhariyavi, Son of Nawal Kishore Prasad, resident of Park Road P.O. and P.S.- Kadamkuan, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aditya Narayan Singh-1
For the Opposite Party/s : Mr.Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 24-01-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 420, 504 IPC and Section 138 of the N.I. Act registered in connection with Complaint Case No. 910(c) of 2018.

3. It is submitted that the petitioner has been falsely implicated in connection with bouncing of three cheques aggregating to Rs. 7,70,000/- issued by him in repayment of loan advanced by the complainant. It is submitted that as a matter of fact, a loan of Rs. 5,00,000/- only had been taken and blank cheques had been issued for the purpose of repayment, which were later on entered by the complainant for an aggregate amount of Rs. 7,70,000/-, and the said cheques bounced. It is submitted that in any event the petitioner is ready and willing to refund the amount of Rs. 5,00,000/- admittedly taken by way of loan from the complainant within a period of two weeks from today.

4. Be that as it may, having regard to the entirety of the facts and circumstances, in the event of the petitioner's arrest or surrender



before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Mr. Ratneshwar Kumar Singh, learned Sub Judge XII-cum-ACJM, Patna in connection with Complaint Case No. 910(c) of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.
- iv. The petitioner shall deposit a sum of Rs. 5,00,000/-before the learned Court below within a period of two weeks from today, which shall abide by the final result of the trial. It is made clear that such deposit shall be without prejudice to the claim of the complainant.

(Vikash Jain, J)

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