

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50400 of 2018

Arising Out of PS. Case No.-407 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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Shrawan Kumar S/o Badri Mahto, R/o Vill./Mohalla- Chak Musallahpur, P.S.-
Pirbahore, District- Patna.

... .. Petitioner

Versus

1. The State Of Bihar
2. Sanjay Kumar Khatri S/o Late Ram Lakhan Lal Khatri, R/o Vill.- Shahganj
Dr. Krishna Prasad Ki Gali, P.S.- Sultanganj, District- Patna, At present
Arfabad Colony, Pitambara Mandir, P.S.- Alamganj, District- Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra
For the Opposite Party/s : Mr. Shantanu Kumar

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 01-02-2019 Heard learned counsel for the petitioner, learned

A.P.P. for the State as well as learned counsel appearing for the

complainant.

The petitioner apprehends his arrest in connection

with Complaint Case No. 407 of 2014, registered under Section

406, 420 and 427 of the Indian Penal Code.

The accusation is that complainant is a

businessman and he was in touch with petitioner, who used to

do business of real estate. On demand of the petitioner, he paid

Rs. 15,32,000/- in between 05.04.2013 to 25.03.2014 out of

which Rs. 20,000/- was also deposited in the account of

petitioner on 25.03.2014. When the complainant made request



to return the money then petitioner sent notice with allegation that two cheques issued by him for payment of loan amount taken by him has been dishonoured. Thereafter, the complainant having known to the aforesaid fact, filed the complaint petition.

Learned counsel for the petitioner submits that the complainant had taken loan of Rs. 14, 64,000/- and on request to payment of loan amount, the complainant issued two cheques, but both cheques were dishonoured. Thereafter, petitioner sent notice and filed complaint petition in which summoning order has also been passed and only to save the skin, the complainant has filed the present case with false allegation.

On the other hand, learned counsel appearing for complainant/O.P. No.2 submits that, in fact, on demand of money while two cheques were issued, but due to non-availability of money cheques were dishonoured, but complainant gave Rs. 32000/-, in cash, and only to grab the said amount taking the advantage of dishonouring of cheques, which was handed over to the petitioner on demand of money filed the complaint petition against the complainant.

Having regard to the facts and circumstances of the



case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M. Patna City, Patna in connection with Compliant Case No. 407 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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