

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58645 of 2018

Arising Out of PS. Case No.-2148 Year-2016 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Manoj Kumar S/o Hari Prasad , Prop. of Sweta Tailor, R/o Mohalla- Bunni Bazar, First Floor, P.S.- Town Muzaffarpur, District- Muzaffarpur. Permanent R/o Mohalla- Bandh Road, Sikandarpur, P.S.- Town Muzaffarpur , District- Muzaffarpur.

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi

For the Opposite Party/s : Mr.Sri Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 08-04-2019 Heard the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.2148 of 2016, Tr. No.1902 of 2018 registered for offences punishable under Sections 406 and 420 of the Indian Penal Code as well as Section 138 of the N.I. Act.

Allegation against the petitioner is of taking loan of Rs.5.50 lac from the complainant and thereafter he issued three cheques – two cheques of Rs.1.50 lac each and third of Rs.2.50 lac to the complainant, out of which two cheques, on production, were bounced.

Submission of the learned counsel for the petitioner is that as a matter of fact the petitioner was running cheat fund



and for that purpose he had taken three cheques from the complainant and that were used without permission of the complainant, however, the complainant has not lodged any case for that purpose. Learned counsel for the petitioner is ready to return the amount if some reasonable time is given to him.

Heard learned A.P.P. and the learned counsel for the complainant..

Having heard both sides and in view of the facts and circumstances, as stated above, , this application is disposed of with direction to the petitioner to surrender by 13.05.2019 with a bank draft of Rs.30,000/- payable in the name of the O.P.no.2 and on that he will be released on provisional bail for a period of nine months and during that period he has to pay rest Rs.2,70,000/- in nine equal installments of Rs.30,000/- each through bank draft in the name of the O.P.no.2. It is also made clear that failure to pay any installment, his bail bond shall be cancelled, however, if the total amount is deposited, his bail bond shall be confirmed. The aforesaid deposit of the amount will be subject to result of the case. If any bank draft is deposited, that will be released in favour of the complainant on his filing such application.

With the aforesaid observation, this application is



disposed of .

(Vinod Kumar Sinha, J)

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