

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65356 of 2018**

Arising Out of PS. Case No.-1125 Year-2017 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Manoj Kumar Modi S/o Late Mohan Lal Modi, Resident of Mohalla- P.C.O. Path, Kamlakant Lane, Harmu, P.S.- Sukhdeo Nagar, District- Ranchi Jharkhand.

... .. Petitioner/s

Versus

1. State Of Bihar
2. M/s Ghasi Ram Textile Corporation, C/o Sri Sitaram Poddar Proprietor, S/o Late Rambhallabh Poddar, R/o Mohalla- Bara Bazar Shamsherganj, Tannu Textile, Post- Lalbabh, P.S.- Town, District- Darbhanga, At present R/o Tirupati Apartment, Hilmiyu Enclave, Flat NO. 305, Post and P.S.- Bariyatu, District- Ranchi Jharkhand.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar
For the Opposite Party/s : Mr.Sri Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 15-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 406, 420 of the Indian Penal Code and Section 138 of the N.I. Act.

The prosecution case is that the petitioner took friendly loan of Rupees Ten Lac from September to October, 2014 on promise to return the said amount within one year, but the same was not returned by the petitioner. Subsequently, two cheques of



Rupees Five Lac each were given to the informant against the said amount, which got dishonored.

It is submitted by learned counsel for the petitioner that the petitioner admits the loan amount and issuance of cheques, but the petitioner submits that he has already paid Rs.1,50,000/- to the complainant, though this claim is not supported by any document or any evidence by the petitioner. It is further submitted that the petitioner is ready to return the remaining amount of Rs.8,50,000/-.

In the circumstances, since the claim of the petitioner is not supported by any document or evidence and the case is pending since December, 2018, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 learned ACJM-IX, Darbhanga, in connection with Complaint Case No.1125 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner will be accepted by the learned Court below on submission of bank draft/s of Rupees Ten Lac before the learned Court below within a period



of eight weeks, which will be released in favour of the complainant by the learned Court below.

(Dinesh Kumar Singh, J)

Ashwini/-

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