

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45842 of 2018

Arising Out of PS. Case No.-1383 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Ranjeet Thakur, S/o- Jai Mangal Thakur, R/o-Vill.- Damobriti, P.S.- Harsidhi,
District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Awadh Kishore Shukla, S/o-Late Dev Lal Shukla, R/o- Vill.- Damovriti, P.S.-
Harsidhi, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar

For the Opposite Party/s : Mr.Sri Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 04-01-2019 Heard learned counsels for the petitioner and 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 Section 420 of the IPC and Section 138 of the N.I. Act.

It appears that vide order dated 21.08.2018, notices were issued to Opposite Party No.2/complainant, but the order dated 05.11.2018 reflects that since Opposite Party No.2 refused to accept the notice, the notices issued to him were treated to be validly served upon him. However, none appears on behalf of Opposite Party No.2/complainant.



The prosecution case as per the complaint petition is to the effect that the petitioner took a loan of Rs. 10 lacs from the complainant on 02.11.2016, with assurance to return the same after six months, but the petitioner did not return the same within the stipulated period. After eight months, when the complainant demanded the money back, the petitioner issued a cheque of Rs. 10 lacs, which got dishonoured. It is further alleged that on 06.07.2017 at 9 AM, all the accused persons came at the door of the complainant, assaulted and abused him.

It is submitted by learned counsel for the petitioner that there is no proof with regard to taking loan from the complainant. It is further submitted that it was the complainant who got the petitioner's account opened for allowing him to get some loan from the Block office and got his signature on the blank cheque. The financial condition of the petitioner is not sound, which could enable him to get a loan of Rs. 10 lacs. Moreover, the complainant unreasonably claims that total amount was given in cash. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioner.



Considering the nature of accusation and the fact that the complainant chose not to appear in spite of valid service of notice, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-V, East Champaran at Motihari in connection with Complaint Case No. C-1383 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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