

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65009 of 2018

Arising Out of PS. Case No.-332 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Ravi Shankar Kumar, aged about 35 years, S/o Mahendra Prasad, R/o Vill.-
Ranipur, P.S. Islampur, Distt.-Nalanda

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Gulzar Khan S/o Late Khuda Bux Khan, R/o Indrapuri, P.S. Shastri Nagar
P.O.-B.V. College, Distt.-Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Awadhendra Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 23-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
09.08.2018 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 Indian Penal
Code and Section 138 of the N.I. Act.

The prosecution case is that the complainant sold his
truck to the petitioner for a total consideration amount of
Rs.13,50,000/- of which only Rs.6,85,000/- was paid, with an
assurance to pay the remaining amount subsequently, but it
was never paid. On request being made by the complainant the
petitioner issued a cheque of Rs.7,00,000/- in favour of the



complainant on 13.01.2014, which got dishonoured on 16.01.2014. Thereafter, the petitioner after three years issued another cheque of Rs.9,50,000/- on 01.09.2017 which also got dishonoured on 06.11.2017.

It is submitted by learned counsel for the petitioner that there was some dispute between the parties and the cheque of the petitioner was lying with the complainant, which was misused. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned counsel for the complainant that on the assurance of the petitioner the complainant transferred the ownership of the truck in question and in fact the payment of Rs.6,85,000/- was made by a private finance company, namely, Shree Ram Finance Company, Gaya to the complainant. It is further submitted that the petitioner assured to make payment of the balance amount with interest in three years, as a result petitioner issued cheque but the cheque got dishonoured.

Considering nature of custody and the period in custody, coupled with 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 bail,
on furnishing bail bond of Rs.10,000/- (ten thousand) with two
sureties of the like amount each to the satisfaction of learned
JM-Ist Class, Patna in connection with **Complaint Case No.**
332(C) of 2018.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

U		T	
---	--	---	--

