

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.5470 of 2019

Arising Out of PS. Case No.-594 Year-2013 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

Vinay Kumar Sharma @ Vinai Kumar S/o Girish Prasad Sharma Village-
Jatkauli, PO-Dharampur, PS-Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amit Kumar S/o Late Parshuram Pandey Mohalla-Jagdishpuri Mithanpura,
PS-Mithanpura,

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

ORAL ORDER

5 30-04-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.594 of 2013, Tril No.11 of 2018 , registered for offences punishable under Sections 406, 420 and 34 of the Indian Penal Code.

Prosecution case as per the complaint petition is that the petitioner and his father took Rs.05 lac from the complainant for purchase of land and on demand he did not return the money and thereafter a cheque has been given by the father of the petitioner, which bounced.

Submission of the learned counsel for the petitioner is that there is no compliance of Section 138 of the N.I. Act and the notice was given after one month of the presentation of the cheque and further the allegation itself shows that the father of the petitioner has produced cheque, which bounced.



Heard learned A.P.P. and from perusal of the record, it appears that the notice was issued to the O.P.no.2 and the office report shows that the O.P.no.2 has received notice but nobody appears on behalf of O.P.no.2 and on earlier date and today also nobody appeared nor O.P.no.2 is present in the court.

Having heard both sides and considering the same, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-7th (East), Muzaffarpur in connection with Complaint Case No.594 of 2013, Trial No.11 of 2018, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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