

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3235 of 2020

Arising Out of PS. Case No.-23 Year-2018 Thana- PIRBAHOR District- Patna

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Syed Imam Son of Mokhtar Ahmad @ Syed Mokhtar Ahmad Resident of
Village- Mohammadpur Mobarak Agha Nagar, P.S.- Maniyari, Distt-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Ali Imam S/o Md. Basi Resident of Mohala- Bihari Sao Lene,
Muradpur, P.S.- Pirbhore, Distt- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha

For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 420, 406
of the Indian Penal Code and Section 138 N.I. Act.

The prosecution case as per the written report of Md.
Ali Imam submitted to Station House Officer of Pirbahore
Police Station is to the effect that the petitioner took a loan of
Rs.1,20,000/- from the informant on the promise to return half
of the loan amount within a month and rest amount in two
months and issued two cheques in favour of the informant but



subsequently, both the cheques got dishonoured. It is alleged that thereafter, the informant sent legal notice to the petitioner but despite of that the petitioner did not return the money.

It is submitted by learned counsel for the petitioner that the money was returned to the informant by the petitioner and issue was resolved between the parties but maliciously, the present case has been lodged against the petitioner, though, the informant had earlier also lodged case with accusation under Section 138 of N.I. Act. It is further submitted that though the petitioner is accused in two other cases but both the cases have been lodged by the informant of the present case in which the petitioner is on bail.

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

Considering the accusation arising out of contractual relationship between the parties, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Pirbahore P.S. Case No. 23 of 2018,



subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Dinesh Kumar Singh, J)

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