

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19862 of 2020**

Arising Out of PS. Case No.-442 Year-2017 Thana- MOTIHARI TOWN District- East
Champaran

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Jawahar Lal Prasad S/o Jhakhari Ray Resident of Village- Haraj (Tikuliya),
P.S.- Muffasil Motihari, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar
For the Opposite Party/s : Mr.Anil Kumar

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

8 21-12-2020 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State through virtual mode.

Petitioner was remanded in Motihari Town P.S.Case
No. 442 of 2017 registered under section 406,420 of the Indian
Penal Code and section 138 of N.I.A Act on 21.09.2017.

The accusation against the petitioner is that he took
Rs. 11 lacs from the informant and assured him to supply bricks
but he did not supply bricks to the informant and issued two
cheques in the name of informant but when the aforesaid
cheques were presented before the concerned Bank, the same
became dishonored.

Learned counsel appearing for the petitioner submits



that as a matter of fact, petitioner had taken Rs. 8 lacs from the informant as loan with condition that petitioner shall pay 2.5% interest on the aforesaid loan and petitioner used to pay Rs. 20,000/- per month to the informant towards interest and subsequently, he supplied bricks worth Rs. More than 2.5 lacs but subsequently, dispute arose between the parties on the point of fixation of cost of aforesaid bricks. He further submits that petitioner had given two blank cheques to the informant in surety but subsequently, the informant by misusing the aforesaid cheques lodged the present case.

On the other hand, learned counsel appearing for the informant refuted the above stated submission and submitted that the above stated submissions of the petitioner is based on forged document and as a matter of fact, neither any cash nor any brick was ever given to the informant.

Perusal of the record goes to show that petitioner was granted provisional bail by this Court vide order dated 16.06.2020 so that the parties could resolve the dispute amicably. It appears that dispute of the parties could not be resolved. However, the investigation of this case has already been completed and the allegation levelled by the parties against each other could only be proved in course of trial.



Therefore, considering the aforesaid facts and circumstances as well as submissions of the parties, provisional bail granted to the petitioner vide order dated 16.06.2020 is confirmed.

Accordingly, this petition stands disposed of.

N.K/-

(Hemant Kumar Srivastava, J)

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