

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70907 of 2019

Arising Out of PS. Case No.-2999 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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ASHA SINHA W/o Late Harinder Prasad Singh Resident of Village- Patahi,
Jagannath, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mrityunjay Kumar @ Pintu Singh S/O Kameshwar Singh Resident of
Village- Bathrolia, P.S.- Saraia, District- Muzaffarpur, at present in judicial
custody in Shaheed Khudiram Bose Central Jail, Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Navendu Kumar
For the Opposite Party/s : Mr.Ansar Ul Haque

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 20-02-2020 This is an application for cancellation of bail granted

to opposite party no. 2 vide order dated 12.06.2019 passed by

the learned 11th Additional Sessions Judge, Muzaffarpur in B.P.

No. 821/2019 in connection with Complaint Case No.

2999/2017.

Ground taken by the petitioner for cancellation of bail

of opposite party no. 2 is that the learned Sessions Judge has

come to a wrong finding and disbelieved the prosecution story

of issuance of cheque and has not considered the provisions of

Section 138 N.I. Act, as in Section 138 N.I. Act, there is

presumption under Section 138 N.I. Act in favour of holder.

Heard learned A.P.P.



Heard the parties and perused the impugned order, from which, it appears that the learned Additional Sessions Judge, considering the fact that there is no agreement for sale is available on record and the case is of civil in nature, granted bail to opposite party no. 2 and there is no illegality and impropriety. Further, there is no case of misuse of privilege of bail, tampering with the evidence or there is any chance of petitioner being absconder.

In view of the discussions made above, I do not find any merit in the present application, the same is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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