

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14090 of 2020

Arising Out of PS. Case No.-815 Year-2018 Thana- DANAPUR District- Patna

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Jaj Kumar Son of Late Ambika Prasad Resident of Village - Shikarpur, P.O. -
Khagaul, P.S.- Shahpur, Distt - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shailendra Kumar Son of Late Rajendra Prasad Resident of Village -
Noorpur, P.O. - Chandmari, P.S.- Shahpur, Distt - Patna.
3. Vijay Kumar Son of Shivnandan Rai Resident of Village - Noorpur, P.O. -
Chandmari, P.S.- Shahpur, Distt - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ashutosh Kumar
For the Informant	:	Mr. Prashant Sinha
		Ms. Priya
For the Opposite Party/s :		Mr.Madhura Nand Jha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 29-11-2021 Heard both parties.

The petitioner seeks bail in Danapur P.S. Case No.
815 of 2018, registered for the offence punishable under
Sections 420, 406 of the Indian Penal Code and section 138 of
the Negotiable Instruments Act.

As per the prosecution case, informant gave Rs.
9,51,000/- as loan to the petitioner for a period of six months.
After expiry of the stipulated period when the informant
demanded his money back, petitioner issued a cheque bearing
no. 287672 of IDBI Bank and the said cheque was presented by
the informant before the PNB Bank, but the



cheque was bounced due to insufficient amount in the account of petitioner.

It is submitted on behalf of the petitioner that in fact the loan amount has already been paid to the informant, but he has not given receipt of the same, therefore, no case under Section 420, 406 IPC is made out. Section 138 of the NI Act is bailable. Petitioner claims clean antecedent and he is in custody since 26.08.2019.

However, counsel for the Informant vehemently opposed the prayer for bail.

Considering the facts and circumstances of the case, period of custody and clean antecedent, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate Ist Class, Danapur, Patna in connection with Danapur P.S. Case No. 815 of 2018.

(Prabhat Kumar Singh, J)

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