

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35598 of 2021**

Arising Out of PS. Case No.-1307 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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VIKASH KUMAR Son of Late Rajendra Prasad Resident of Village Deodhar
Pur, Near Bus Stand, P.S. - Tekari, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Navin Kumar Sinha Son of Late Ram Vilas Lal Resident of Village Deodhar
Pur, Near Bus Stand, P.S. - Tekari, District - Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anju Mishra

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 10-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Complaint Case No. 1307
of 2017 corresponding to Trial No. 1145/2019, registered for the
offence punishable under Section 420 of the Indian Penal Code
and section 138 of the Negotiable Instruments Act.

As per the prosecution case, this petitioner had taken
loan of Rs. Ten lakhs from the complainant in the year 2013
with a promise to return by January 2014. It is further alleged
that petitioner again demanded Rs. Five lakhs, but he give only
Rs. Two lakhs in the month of June, 2013 and he returned the



same on time. It is further alleged that on 24.04.2017 petitioner gave a cheque of Rs. 3,75,000/- to the complainant which was present by him on 03.07.2017 in the bank, but the same was dishonoured on 04.07.2017.

It is submitted on behalf of the petitioner that petitioner has not taken any loan from the complainant rather blank cheque was taken by the complainant for security and when petitioner got information that playing of committee is illegal then demanded back his money of Rs. 2,00,000/- which he had given to the complainant, but the complainant filed this false case. Petitioner is in custody since 15.02.2021 having clean antecedent. Investigation is complete.

Considering the period of custody coupled with the fact that petitioner got 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 Ist Class Judicial Magistrate, Gaya in connection with Complaint Case No. 1307 of 2017 corresponding to Trial No. 1145 of 2019, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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