

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8712 of 2020

Arising Out of PS. Case No.-1343 Year-2018 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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MANOJ KUMAR Son of Suresh Prasad Resident of Village- Araut, P.S.-
Wena, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khem Lal Prasad Son of Shivshankar Prasad Resident of Village- Araut, P.S.-
Wena, District- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Sanjay Kumar, Adv.
For the Opposite Party/s :	Mr.Jitendra Kumar Singh, APP
	Mr.Satya Ranjan Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 18-08-2022 Heard learned counsel for the petitioner, learned counsel
for the O.P. No.2 and learned Additional Public Prosecutor for
the State.

Learned counsel for the petitioner has filed a
supplementary affidavit in the Court today.

The same is taken and kept on record.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under section 420 of the
Indian Penal Code and section 138 of Negotiable Instrument
Act.



The allegation against the petitioner as per the prosecution case is of committing fraud of huge amount with the complainant.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that the complainant had filed a complaint against the petitioner with an allegation that he and the petitioner are business partners and that he has given Rs.10 Lacs to the petitioner for business and to return the said amount, a cheque in this regard was issued by the petitioner, which got bounced. On that basis, the court below has taken cognizance against the petitioner. It is further submitted that no offence is made out against the petitioner as there is a business transaction between the parties. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the opposite party no.2 opposed the prayer for bail by submitting that there is specific allegation of committing fraud against the petitioner.

Having regard to the facts and circumstances of the case,



since there is a dispute arising out of business transaction and no paper has been brought on record to show the alleged transaction between the parties, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Complaint Case no.1343C/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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