

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36993 of 2022

Arising Out of PS. Case No.-443 Year-2021 Thana- MANIYARI District- Muzaffarpur

Vinod Kumar @ Vinod Kumar Singh @ Binod Kumar @ Binod Kumar Singh
Son Of Late Ram Naresh Singh, Resident Of Mohalla - Satpura, Near Ward
No.- 33, P.O.- Ramna, P.S.- Kazi Mohammadpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rishikesh Raman Son of Late Rewati Raman Prasad Singh, Resident of Vill.
- Purshotampur, P.S.- Maniyari, Dist.- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 01-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner, learned
A.P.P. for the State as well as learned counsel for the Informant.

The petitioner seeks regular bail in connection with
Maniyari P.S. Case No. 443 of 2021, lodged under Sections 406,
419, 420 of the Indian Penal Code read with Section 36 of the
N.I.A. Act which was corrected to Section 138 of N.I. Act vide
order dated 29.03.2022.

As per prosecution, the present case has been lodged
against the petitioner for committing fraud of Rs.10 lacs, in
which only Rs.30,000/- was returned and rest amount of

Rs.9,70,000 has not been paid even after repeated requests. Allegation against the petitioner is that for making the payment the petitioner has provided a cheque of Rs.9,70,000/- to the informant but upon production the said cheque was bounced back, thereafter a notice was issued demanding cheque amount which was replied by the petitioner, upon which the present case has been filed.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that filing of F.I.R. is basically illegal exercise of law because under Section 138 of N.I. Act complaint case is maintainable not the F.I.R. He also submits that it is admitted that providing money is basically a friendly loan and, therefore, it does not come within the purview of either Section 419 of I.P.C. or Section 419 & 420 of I.P.C. Learned counsel for the petitioner further submits that petitioner is in custody since 29.03.2022, charge sheet has already been filed and antecedent of petitioner is clean.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant submits that the petitioner has taken loan of Rs.10 lacs, which he has not

returned even after bouncing back the cheque.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, West Muzaffarpur in connection with Maniyari P.S. Case No. 443 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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