

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68214 of 2024

Arising Out of PS. Case No.-153 Year-2024 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Asraf Alam Son of Manzoor Alam R/O Vill.- Shankar Saraiya, Sheikhsheran
Tola, P.S.- Turkauliya, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mohammad Azaz Son of Abdul Razzak R/O Vill.- Shankar Saraiya, Bankat,
P.S.- Turkauliya, Dist.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Abhishek Kumar, Advocate
For the Opposite Party/s :	Nirmala Kumari, A.P.P.
	Mr. Nafisuzzoha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner, the State and
the opposite party no.2 .

2. The petitioner apprehends arrest in a case registered
for the offence punishable under section 138 of the NI Act.

3. As per the prosecution case, petitioner borrowed
Rs. 5 lacs from opposite party no.2 on the assurance that he
would return the same within 25 days and also promised him to
execute a sale deed, if the said money is not returned. Petitioner
neither returned the money nor did he register the piece of land
in favour of opposite party no.2. Later on, he handed over
cheque of Rs. 5 lacs to opposite party no.2. However, said
cheque was dishonoured by the bank.

4. Learned counsel appearing for the petitioner
submits that, without admitting the guilt, the petitioner is ready
to return Rs. 5 lacs to opposite party no.2 in instalments.



5. Considering the undertaking of the petitioner, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within eight weeks from today, let the petitioner, mentioned above, 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 Chief Judicial Magistrate, Motihari, East Champaran in Complaint Case No. 153 of 2024, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

6. Petitioner shall return Rs.1 lac to opposite party no.2 and submit its receipt with the bail bonds, whereas rest amount of Rs.4 lacs shall be returned by the petitioner to opposite party no.2 in six equal instalments within six months thereafter. Return of money should be made by petitioner by way of bank draft.

7. In breach of conditions, court below shall be at liberty to cancel the bail bonds.

(Prabhat Kumar Singh, J)

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