

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89501 of 2024

Arising Out of PS. Case No.-477 Year-2018 Thana- COMPLAINT CASE - MASAURHI
District- Patna

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Ajay Singh @ Ajoy Singh S/O Late Ramashish Singh R/O Village- Salempur
Tola Damarhi Bigha, P.S- Kinjar, Distt.- Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bali Ram Kumar S/O Late Ganesh Prasad R/O Vilage- Nadaul, P.S-
Masaurhi, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Adv
For the State	:	Mr.Jagdhari Prasad, APP
For the OP		Mr. Dharendra Kumar Sinha, Adv
		Mr. Amrit Lal, Adv

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 23-07-2025 Heard learned counsel for the petitioner, and the

State.

2. Petitioner apprehends his arrest in a case registered

for the offences punishable under Section 406 and 420 of the

Indian Penal Code and section 138 of N.I. Act.

3. The allegation in the complaint is that the petitioner

had taken 3 lakh from the complainant but did not return the

same and in lieu of the same, he gave two cheques of Rs.
2,95,000/- which bounced and subsequently, another cheque

was issued and the same also bounced. The procedure under the

Negotiable Instrument Act was followed and the cognizance



was taken in the case under section 138 of the N.I Act besides sections 420, 406 of the I.P.C.

4. Learned counsel for the petitioner submits that the entire story of extension of loan of Rs. 3 lakh for his business of bricks is not correct and as a matter of fact, there is no chit of paper to show any transaction of amount from the complainant to the petitioner.

6. Learned counsel for the complainant however, opposes the prayer for bail on the ground that the complainant had given an amount of Rs. 3 lakh to the petitioner and it is for such reason that the cheque of Rs. 2,95,000/- was issued by the petitioner in the name of opposite party no. 2 which later on bounced.

7. At this stage, learned counsel for the petitioner make an offer that the petitioner is agreeable to pay an amount of Rs. 85,000/- in installments, which the petitioner agrees to have taken from the complainant.

7. Considering the bonafide shown on behalf of the petitioner and also taking into consideration that the matter relates to money transaction, I am inclined to grant privilege of provisional bail to the petitioner. Let the petitioner, in the event of his arrest/ surrender within a period of six weeks from today,



be released on bail on furnishing bail bonds of Rs 10,000/- (ten 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 Complaint Case No. 477 © of 2018, subject to condition as laid down under Section 438(2) of the Cr.P.C.

8. The first installment of Rs. 42,500/- would be paid before or at the time of furnishing of the bail bonds. However, payment of the second installment of the amount, i.e, Rs. 42,500/-will be done within a further period of two months, and upon proof of the same, the provisional bail granted to the petitioner would be confirmed by the learned court concerned.

9. The application stands disposed of.

(Soni Shrivastava, J)

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