

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52558 of 2019

Arising Out of PS. Case No.-2837 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Shyam Kishore Sah, Son of Kapileshwar Sah @ Kaileshwar Sah, Resident of
Village - Kataiya, P.O.- Dostiyar, P.S.- Purnahiya, District- Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baidyanath Sah, S/o- Late Ram Deo Sah, Resident of Mohalla - Lakhanpur,
P.S.- Katra and District- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Verma

For the Opposite Party/s : Mr.Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 29-11-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner in the present case is seeking regular bail
in connection with Complaint Case No.2837 of 2018 registered for
the offence punishable under Sections 406 and 420 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this case.
Learned counsel submits that the petitioner has committed no
cheating or criminal breach of trust and no offence is made out
against him.

Learned APP has opposed the prayer for bail.



Considering the facts and circumstances of the case wherein it is the submission of the learned counsel for the petitioner that allegation of opposite party no.2 that he had paid a sum of Rs.7,50,000/- to the petitioner in some installments for purchase of a piece of land is only false and that against the dishonour of the cheque allegedly issued by the petitioner no cognizance has been taken under Section 138 of the N.I. Act and learned counsel for the opposite party no.2 being unable to demonstrate the mode of payment to the petitioner at this stage and the petitioner is in custody since 22.05.2019, let the petitioner above named be released on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Xvth (East), Muzaffarpur in connection with Complaint Case No.2837 of 2018 giving rise to Trial No.1944 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted



with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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