

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32759 of 2013

Arising Out of PS.Case No. -162 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

===== Mukesh Kumar, S/O Shri Shyamsunder Singh, Resident Of Village-
Kharzama, P.S.- Ekangarsarai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mr. Dinanath Singh, son of Mundrika Singh, resident of Mohalla- N/4,
Sahyogpuri, P.S.-Patrakar Nagar, District-Patna.

.... Opposite Party/s

===== **Appearance :**

For the Petitioner/s : Mr. Bhola Kumar, Advocate

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

===== **CORAM: HONOURABLE THE CHIEF JUSTICE**
ORAL ORDER

4 09-04-2015

The petitioner figured as accused in Complaint Case No.162(C) of 2010 in which cognizance for the offences punishable under Section 406 of the Indian Penal Code and Section 138 of the N. I. Act has been taken. Apprehending his arrest, the petitioner filed ABP No.2085 of 2013 before the Sessions Judge, Patna. The same was rejected on 23.05.2013. Hence, this application for grant of anticipatory bail under Section 438 Cr. P.C.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The only allegation against the petitioner is that he did not return a sum of Rs.95,000/-, said to have been borrowed from the complainant. Assuming that the same is to be true, the

arrest of the petitioner is not warranted.

Hence, this application is allowed. In the event of arrest, the petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No.162 (C) of 2010.

(L. Narasimha Reddy, CJ)

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