

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40704 of 2015

Arising Out of PS.Case No. -188 Year- 2015 Thana -ARA NAGAR District- BHOJPUR

Vishal Kumar Gupta S/o Bhuwan Prasad Gupta R/o Village - Chitratoli
Road, Nilam Watch Compeny, Vishal Bhawan, P.S. Ara Nagar, District
Bhojpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 10-11-2015 Heard both sides.

The petitioner apprehends his arrest in Ara Town P.S.
Case No. 188/2015, registered for the offences punishable under
Sections 406, 420, 323, 504, 34 of the Indian Penal Code.

The informant alleged that the petitioner took Rs.
6,50,000/- from him on the assurance of giving a shop at Chitratoli
Road, Ara in the shop of Nilam Watch Company.

It is submitted that the money was given to the
petitioner since January 2011 to 2013, but the petitioner did not
hand over the shop. On demand, the petitioner issued two cheques;
one of Rs. 2,50,000/- and another of Rs. 4,00,000/-, which were
returned due to paucity of fund in the account of the petitioner and

the signature of the petitioner did not tally.

Learned counsel for the petitioner submits that the case is for bouncing of cheques. The case is not registered under Section 138 of the N.I. Act and the dispute is of civil nature. If the money is taken by the petitioners, the informant may realize the same by filing a suit.

Learned counsel for the informant, however, opposed the prayer for bail.

Considering the facts aforesaid and the fact that there appears that the dispute is of civil nature, the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara in connection with Ara Town P.S. Case No. 188/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

Rakhi

U		T	
---	--	---	--