

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7562 of 2014

Arising Out of PS.Case No. -467 Year- 2013 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

=====

1. Awanish Kumar Rai S/O Prof. Bhola Rai Resident Of Village- Bishoul,
Police Station- Jhanjharpur, District- Madhubani.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Arun Kumar Gupta S/O Ramesh Prasad Gupta Resident Of Near Tandur
Plaza Hotel, Rahamganj, Police Station- Laheriyasarai, District- Darbhanga.

.... Opposite Party/s

=====

Appearance :

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

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

04/ 18.05.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State. No one appears on behalf of the
opposite party no.2 though notice on his learned counsel who is
working on his behalf in the court below has already been served.

Petitioner apprehends his arrest in connection with C.R. no.
467/2013 in which cognizance for the offence punishable under
section 420 of the Indian Penal Code and 138 of the N.I. Act has been
taken.

It would appear from perusal of the complaint petition that
opposite party no.2 had given the amount in question to the petitioner
as loan and, therefore, application of section 420 of the Indian Penal
Code appears to be doubtful.

Considering the aforesaid facts and circumstances as well as
submissions of the parties, this anticipatory bail petition is allowed

and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Ist Class, Darbhanga in C.R. no. 467/2013 subject to condition as laid down under section 438(2) of the Cr.P.C.



(Hemant Kumar Srivastava,J)

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