

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41787 of 2014

Arising Out of PS.Case No. -1230 Year- 2000 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Anil Kumar Srivastava, S/o Kishun Bihari Lal, Resident of Diwan
Mohalla, Naujar Katra, P.S.- Khajekalan Patna city, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

2. Satish Kumar Singh S/o Sri Shailendra Prasad Singh, Resident of
Mohalla- Kurji, P.S.- Patliputra, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 23-07-2015

The petitioner is shown as accused in Complaint

Case No.1230C of 2000 in the Court of Chief Judicial
Magistrate, Patna, wherein the offences punishable under
Section 406 of the Indian Penal Code and Section 138 of the
Negotiable Instrument Act are alleged.

The petitioner filed ABP No.22275 of 2014 before
the Court of Sessions Judge, Patna. The same was dismissed on
12.08.2014, taking note of the fact that ABP No.2522 of 2007
filed earlier was rejected, and the petitioner did not surrender.
Hence, this application under Section 438 Cr. P.C.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

Basically, the allegation referable to Section 138 of

the Negotiable Instrument Act reflects the semblance of civil dispute. The emphasise would be to ensure that the amount given by the complainant is paid. No useful purpose will be served, if the petitioner is arrested. The very fact that the case is pending for the past one and half decade discloses that hardly there is any progress in the matter.

Hence, the 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 Chief Judicial Magistrate, Patna in connection with Complaint Case No.1230(C)/2000, subject to the conditions as laid down under Section 438(2) Cr. P.C.

It is directed that the trial Court shall take up the case on priority basis and dispose of the same, within three months from the date of the order.

(L. Narasimha Reddy, CJ)

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