

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22976 of 2015

Arising Out of PS.Case No. -99 Year- 2013 Thana -DALSINGHSARAI District- SAMASTIPUR

=====

1. Shyam Kumar Choudhary. Son of Haribansh Choudhary. Resident of village - Tajpur, P.S.- Bachhwara, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. M.Haque (App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 10-09-2015 Heard learned counsel for the petitioner, learned counsel representing the State and learned counsel for the informant.

Petitioner apprehends his arrest in connection with Dalsingsarai P.S. Case No. 99 of 2013 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

Allegedly, the petitioner took Rs. 12,50,000/- from the informant and also the informant paid the price of soil, sand, cement etc. to shopkeeper Sahoo Store but when the informant demanded money from the petitioner, the petitioner gave a cheque bearing no. 966535000024000 dated 04.12.2013 but the same was bounced and when the money was demanded by the informant, the petitioner caused threats even on mobile also.



Submission is that with the same allegation the informant lodged Complaint Case No. 42 of 2013 wherein cognizance has been taken under Section 138 of the Negotiable Instruments Act and thereafter, filed this case. The petitioner was granted bail in that complaint case by this Court vide Cr. Misc. No. 7832 of 2014 on deposit of Rs. 50,000/- but when the petitioner wanted to surrender in the court below, the police personnel in civil dress were watching to arrest the petitioner in this case, resulting, the petitioner has not surrendered in compliance of the order of this Court passed in Cr. Misc. No. 7832 of 2014 and as such, the petitioner deserves sympathetic consideration as for the same occurrence he cannot be harassed in two parallel cases to which learned APP duly assisted by learned counsel for the informant opposes.

Considering the submissions and noticing that complaint case has already been filed by the informant wherein cognizance has been taken under Sections 406, 420 of the Indian Penal Code and 138 of N.I. Act and thereafter, FIR has been lodged giving rise to this application and in the complaint case petitioner has been allowed pre-arrest bail with direction to deposit Rs. 50,000/- vide order passed in Cr. Misc. No. 7832 of 2014 and for the same occurrence he cannot be harassed and vexed twice, as

such, the petitioner named above in case of his surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Dalsingsarai, Samastipur in connection with Dalsingsarai P.S. Case No. 99 of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

avin/-

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