

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52935 of 2015

Arising Out of PS.Case No. -467 Year- 2015 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Anil Kumar Gupta S/o Basudeo Prasad resident of Gyan Babu Chowk, P.S.
Motihari Town, Dist. - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dhananjay Kumar Singh S/o Late Ramchandra Singh resident of Vill.
Sakri, P.S. Arwal, Dist. - Arwal, presently working as Senior Branch
Manager of M/s Nosler International Ltd., Patna.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate
For the Opposite Party/s : Mr. Upendra Kumar(APP)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 15-12-2015 Heard the parties.

The petitioner apprehends his arrest in connection
with Motihari Town P.S. Case No. 467 of 2015 for the offences
punishable under Sections 406 and 420 of the Indian Penal
Code.

Mr. Sangeet Deoculiar, learned counsel for the
petitioner submits that the case was originally instituted as
Complaint Case No. 2562 of 2014 which has been subsequently
registered after enquiry under Section 156(3) of the Code of
Criminal Procedure as an FIR. He submits that it is on account
of business dispute in between the parties that has given rise to



the case and in which the complainant-informant has utilized a cheque deposited by the petitioner as a security almost five years back. A statement to such effect is made in paragraph-14 to this application. With reference to Annexure-5, he submits that whereas according to the own calculation of the informant the balance amount comes to Rs. 64,803/- but since the business transaction in between the parties has since snapped that the informant has utilized a cheque deposited with him almost five years back to raise a sum which is not in tune with the calculation. Mr. Deokuliar, however, submits that the signature appearing on the cheque belongs to him. It is further argued that the cheque has not bounced for lack of amount rather it is on the instructions of the petitioner that the payment has been stopped in view of the business dispute in between the parties.

Having heard learned counsel for the parties and considering the nature of allegation as well as the submissions of learned counsel, let the petitioner, namely, Anil Kumar Gupta in the event of his arrest or surrender within four weeks from today be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Motihari, East Champaran and/or the court concerned in connection with

Motihari Town P.S. Case No. 467 of 2015 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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(Jyoti Saran, J)