

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23742 of 2015**

Arising Out of PS.Case No. -351 Year- 2012 Thana -ROHTAS COMPLAINT CASE District-  
SASARAM (ROHTAS)

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1. Sushil Kumar Singh S/o Late Sheoji Yadav Resident of village - Bhelai,  
P.S. Udwant Nagar, District - Bhojpur

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Sanjay Kumar Singh S/o Late Kashi Nath Singh Resident of village -  
Sahmal Khaira, P.O. Balthari, P.S. Kochas, District - Rohtas

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Singh  
For the Opposite Party/s : Mr. J.N.Thakur(App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**  
**ORAL ORDER**

5      08-10-2015                      Heard the learned counsel for the petitioner, the  
  
learned counsel for the complainant and the learned Additional  
  
Public Prosecutor.

The petitioner apprehends his arrest in a case under  
  
Section 406, 420 of the Indian Penal Code and under section 138  
  
of N. I. Act.

The complainant alleged that the petitioner issued a  
  
cheque for Rs. 3, 50, 000/- in discharge of loan taken from him.

The learned counsel for the petitioner submits that no  
  
notice was served on the petitioner under the provisions of  
  
Negotiable Instruments Act. It is further submitted that the

petitioner lost his cheques and the complainant made an attempt to make out a case for dishonour of cheque and the petitioner never took any loan from the complainant.

On the other hand, the learned counsel for the complainant has vehemently opposed the prayer for anticipatory bail.

Considering the fact that the petitioner has disputed the factum of taking loan and issuance of cheque in the name of complainant and case of the petitioner is that he lost the cheques, the above named petitioner, in the event of his arrest or surrender before the learned 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 bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sasaram (Rohtas) in complaint Case No. 351 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

BKS/-

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