

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35761 of 2015**

Arising Out of PS.Case No. -669 Year- 2011 Thana -PATNA COMPLAINT CASE District-  
PATNA

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Sri Sanjay Kumar @ Sanjay son of Late Raju Chaudhary, resident of  
Mohalla- Kurji More, P.O.- Sadakat Ashram, P.S.- Digha, District- Patna

.... .... Petitioner

Versus

1. The State of Bihar  
2. Md. Parwej Ahsan, son of Md. Sabir, resident of Mohalla- Kadir Gali,  
P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna

.... .... Opposite Parties

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**Appearance :**

For the Petitioner : Mr. Sanjiv Sharan, Advocate.  
For the Opposite Parties : Mr. Shyam Bihari Singh (App)

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

3      10-11-2015      Heard the learned counsel for the petitioner, the learned  
counsel for the informant and the learned APP

The petitioner apprehends his arrest in a case registered for  
the offences punishable under Sections 406 and 420 of the Indian Penal  
Code and under Section 138 of the N.I. Act.

The gist of the allegation is that the complainant entered  
into an agreement with the petitioner Sanjay Kumar @ Sanjay and his  
brother Niraj Kumar for letting out a shop situated at Kurji More. The  
complainant advanced Rs. 1 lakh through cheque to Sanjay Kumar @  
Sanjay but on one pretext or other the lease deed of agreement could  
not be executed by the petitioner and his brother although the  
complainant also paid Rs. 6000/- as a rent for a month. The  
complainant demanded his money and on the instruction of the

petitioner his brother Niraj Kumar issued two cheques in favour of the complainant which were bounced.

It is submitted that the petitioner did not issue any cheque and he has been falsely implicated in this case.

Learned counsel for the complainant, however, opposed the prayer for anticipatory bail of the petitioner and submitted that it was the petitioner who played role in non-execution of the lease deed.

Considering the facts aforesaid and the fact that the dispute arose due to non-execution of the lease deed and in lieu thereof the brother of the petitioner issued two cheques which were bounced, the petitioner, above named, in the event of his arrest or surrender before the 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 Judicial Magistrate 1<sup>st</sup> Class, Patna in Complaint Case No. 669(C) of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Prabhat Kumar Jha, J.)**

KKSINHA/-

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