

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20053 of 2016

Arising Out of PS.Case No. -292 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Rupesh Kumar, Son of Sri Ramdeo Singh, Resident of Village – Bhawan
Chak, Police Station – Saksohara, District – Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Subodh Kumar, Son of Ramkishore Singh, Resident of Village –
Chaksurat, Post Office- Nandlalbad, Police Station – Gaurichak, District
– Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Madan Prasad Singh No-2, Advocate.

For the Opposite Parties : Mr. Anil Kr. Singh No.1 (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 20-07-2016 Heard both sides.

The petitioner apprehends his arrest in Complaint Case
No. 292/C/2014, 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 petitioner is alleged to have taken vehicle on hire
but did not pay the fare of the truck which comes to Rs.
11,00,000/-. The petitioner is said to have issued cheque of Rs.
10,00,000/-, but the same could not be honoured.

It is submitted that the petitioner is always paying the
fare of the truck which would be apparent from Annexure 4 and 5
of the bail petition. The petitioner gave the cheque at the time of

taking the truck on hire and the same cheque was presented by the complainant with mala fide intentions to lodge this case.

Learned counsel for the complainant as well as the learned APP vehemently opposed the prayer for anticipatory bail of the petitioner.

It is alleged that the petitioner issued a cheque in lieu of payment of fare of the truck but the petitioner denied to have issued any cheque. The petitioner was plying the truck in pursuance of an agreement and it is a case of breach of terms of agreement.

Considering the facts aforesaid, 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 Sri Sanjay Kumar, the Judicial Magistrate-IV, Patna City in Complaint Case No. 292/C/2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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