

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27031 of 2016

Arising Out of PS.Case No. -479 Year- 2015 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Akhauri Pramod Kumar Son of Akhauri Bhagwati Saran Srivastava
Resident of Mohalla- Santoshi Path, Road No. 10 (C), Gaurakshni, P.S.-
Sasaram, District- Rohtas at Sasaram.

.... Petitioner

Versus

1. The State of Bihar.
2. Ashutosh Kumar Sinha S/o Anjani Kumar Sinha resident of Mohalla-
Gaulaxni, Durga Mandir, P.S.- Sasaram, Dist- Rohtas.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Amrendra Narayan Rai, Advocate.
For the Opposite Parties : Mr. Chandra Bhushan Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 27-09-2016 Heard learned counsel for the petitioner, learned APP

for the State as well as learned counsel for the

complainant/opposite party no. 2.

The petitioner apprehends his arrest in Complaint Case
No. 479 of 2015 registered for the offences punishable under
Sections 406, 420, 323, 504 and 506 of the Indian Penal Code and
under Section 138 of the N.I. Act.

The complainant alleged that the petitioner took Rs.
5,00,000/- for supply of medicine from Remedies Pvt. Ltd. but the
petitioner did not supply any medicine and issued a cheque of Rs.
5,00,000/- bearing cheque no. 037936 of Bank of India and when
the cheque was presented, the same was dishonoured due to

paucity of fund in the account of the petitioner.

Learned counsel for the petitioner submits that the petitioner never negotiated with the complainant nor received any money from him. The petitioner is of unsound mind and he did not remember when he issued any cheque in favour of the complainant.

On the other hand learned counsel for the complainant submits that petitioner is working as a medical representative, he used to receive money from different persons and the same appears from Annexure-A series of the counter affidavit but it appears that the dispute arose between business transaction and the complainant alleged that the petitioner issued cheque of Rs. 5,00,000/- for payment of money taken by him, whereas the petitioner refused to issue any cheque in lieu of payment of any loan from the complainant.

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 the Chief Judicial Magistrate, Rohtas at Sasaram in

Complaint Case No. 479 of 2015, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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