

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35845 of 2015

Arising Out of PS.Case No. -95 Year- 2014 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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Rajeev Kumar S/o Late Ram Naresh Thakur, resident of village- Repura,
P.S- Karja, Dist- Muzaffarpur, At Present -residing at Western side of P.G.
Hostel, Behind the Bank, Government Quarter, Third Floor, P.S-
Kazimohamadpur, Dist- Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar
2. Divya Kumari, W/O Late Ravishankar Singh, D/O Mahesh Chaudhary,
Resident of village- Pokhraiya, P.S- Saraiya, Dist- Muzaffarpur, At Present
Mohalla- Ganeshdatta Nagar, P.S- Sadar, Dist- Muzaffarpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate
For the Informant : Mr. Dr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Uma Nath Mishra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

7 10-02-2016 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Sadar P.S. Case No. 95 of 2014, disclosing offences under
Sections 406 and 420 of the Indian Penal Code and Section 138 of
Negotiable Instruments Act.

A plea is being taken on behalf of the petitioner that the
cheque amount of Rs. 3,00,000/- (three lakh) was, in fact,
returned to the informant, after the cheques issued by the

petitioner came to be dishonoured.

Learned counsel for the petitioner further submits that since the allegation against the petitioner is based on documents, there is no chance of him tampering with the evidence. He further submits that the petitioner shall present himself before the Court as and when required, if he is granted the privilege of anticipatory bail.

Learned counsel appearing on behalf of the informant, on the other hand, has vehemently opposed the prayer for bail and has submitted that in view of the fact that the petitioner has admitted to have received the amount from the informant, the privilege of anticipatory bail should not be extended to him.

However, keeping in view the nature of the dispute and accusation against the petitioner, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No. 95 of 2014, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

It is further directed that trial arising out of the said Sadar P.S. Case No. 95 of 2014 be expedited.

(Chakradhari Sharan Singh, J)

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