

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35116 of 2016

Arising Out of PS.Case No. -122 Year- 2015 Thana -KOCHAS District- SASARAM (ROHTAS)

Pradeep Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

- 2 20-08-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. Petitioner, Pradeep Kumar, is in custody since 22.01.2016 in Kochas P.S. Case No. 122 of 2015 registered under Sections 420 and 406/34 of the Indian Penal Code.
3. It appears that on the basis of complaint, the aforesaid P.S. case was registered. The allegation is that the informant was depositing money regularly in Bonanza Portfolio Limited. The amount was given regularly by the informant to the present petitioner, who is an employee in the company and in presence of the complainant-informant, the amount was deposited online by the petitioner but when the informant went to company and asked for return of his deposited amount, the company handed over a cheque of Rs.7,00,000/-. The informant deposited the same in the bank but it was dishonoured.
4. According to learned counsel for the petitioner, the

petitioner is an employee of the Company. According to the informant himself, the petitioner was depositing the amount online in presence of the informant. The allegation of issuance of cheque is against company. The informant never approached to the company nor the police ever investigated in the company nor the company is accused in the case. Learned counsel further submitted that although it is a case of dishonored of cheque but the police has not filed any charge-sheet under Section 138 of N.I. Act, therefore, no case under Sections 420 and 406 of the Indian Penal Code is made out against the petitioner.

5. Learned A.P.P. also conceded the fact that nowhere complete detail about what was the total amount deposited by him has been mentioned nor any allegation against the petitioner is there in the complaint.

6. In view of the facts and circumstances of the case, I direct the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sasaram, District- Rohtas with Kochas P.S. Case No. 122 of 2015.

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(Mungeshwar Sahoo, J)