

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.51660 of 2016**

Arising Out of PS.Case No. -1387 Year- 2016 Thana -PATNA COMPLAINT CASE District-  
PATNA

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1. Surendra Kumar, Son of Jagan Lal, a resident of Mohalla- Hurari Mathani, Police Station- Alamganj, District- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Mantu Kumar, Son of Late Ram Chandra Singh, resident of Mohalla- Old Jakkanpur, Kaushalya Bhawan, P.S.- Gardanibagh, District- Patna.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Arvind Kumar Mouar, Advocate  
For the State : Smt. Asha Kumari, APP  
For Opposite Party No.2 : Mr. Prabhat Ranjan Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      20-12-2016                      Heard learned counsel for the petitioner, learned APP  
for the State and learned counsel for the complainant.

The petitioner is apprehending his arrest in a case registered under Section 406 of the Indian Penal Code and Section 138 of the N.I. Act.

Allegation is that the petitioner misappropriated an amount of Rs.2,75,000/- of the informant.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The



petitioner had taken loan of Rs.1 lac from the complainant and as a security he had deposited seven blank cheques bearing cheque nos. 234554, 234555, 234556, 234557, 234558, 234559 and 234560 with the complainant. One of the cheque has been misused by the complainant being cheque No.234555. It is further submitted that the petitioner is ready to deposit an amount of Rs.2,75,000/- (cheque amount) in the court below, which shall be subject to final disposal of the case.

On behalf of the State and learned counsel for the complainant, it is submitted that the petitioner is named in the complaint case and he has committed fraud upon the complainant.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs.2,75,000/- (cheque amount) in the court below, which shall be subject to final disposal of the case and on doing so, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Praveen Kumar Singh, J.M. 1<sup>st</sup> class at Patna-cum-C.B.I., Special Judge, Patna in connection with Complaint case No.1387(C) of 2016, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Narendra/-

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