

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46890 of 2015

Arising out of PS.Case No. -70 Year- 2014 Thana -GARDANIBAGH District- PATNA

Shiv Shankar Singh @ Pappu Singh, Son of Late Ram Chandra Singh, resident of Chhoti Pusa, P.S.- Chhoti Pusa, Dist.- Muzaffarpur, presently posted as lower division clerk in Water Resources Department , Patna at Third Floor, Sinchai Bhavan, Sachivalaya, Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Karu Singh, C/O Ashok Kumar Singh, Hargovind Niwas, Yarpur Shivaji Path, Gardanibagh, Patna-1.

.... Opposite Parties.

Appearance :

For the Petitioner : Mr. Kamlesh Kumar Singh, Advocate.
For the State : Mr. Chaube Jawahar (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 01-02-2016 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is apprehending his arrest in connection with Gardanibagh P.S. Case No. 70 of 2014 for the offences instituted under Sections 406 and 420 of the IPC.

The prosecution story, in brief, is that the petitioner had taken Rs. 1,56,000/- from the informant on different occasions. The petitioner issued Cheque No. 738659 dated 09.10.2013 in favour of the informant which was bounced.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner has

falsely been implicated in the present case due to mistake of fact. Whatever the loan amount was there to the petitioner, he had returned to the wife of the informant. The cheque which is said to have been presented by the informant was issued by the petitioner as in security to the informant which is alleged to have bounced due to insufficiency of fund. It is further submitted that the petitioner is ready to deposit an amount of Rs. 75,000/- in the learned court below which shall be subject to final disposal of the case.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on provisional anticipatory bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Gardanibagh P.S. Case No. 70/2014 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Patna, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure .

The petitioner shall deposit an amount of Rs. 75,000/- in the learned court below within a period of three months which

shall be subject to final disposal of the case. On deposit of the said amount within a period of three months the provisional bail of the petitioner shall be confirmed by the learned court below.

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(Sudhir Singh, J)

