

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31579 of 2016

Arising Out of PS.Case No. -743 Year- 2015 Thana -KANKARBAGH District- PATNA

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Rajiv Saraf S/o Sri Kishan Lal Saraf Resident of 707, Gagan Apartment,
7th Floor, Exhibition Road, P.S. Gandhi Maidan, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamala Kant Tiwary, Adv.

For the Opposite Party/s : Mr. Sri Ramchandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 16-09-2016 Heard both sides.

The petitioner apprehends his arrest in Kankarbagh P.S.
Case No. 743/2015, registered for the offences punishable under
Sections 447, 504, 506, 420 and 34 of the Indian Penal Code.

The informant Ramesh Chandra Gupta and Shashi Kant
Singh gave a joint petition on 30.10.2015 alleging therein that the
petitioner Rajiv Saraf took money from them and on demand
Rajiv Saraf issued a cheque of Rs. 47,00,000/- and also prepared a
document on stamp paper. It is further alleged that the petitioner
threatened the informants and also abused them.

Learned counsel for the petitioner submits that entire
allegation is false and concocted. On the same and similar
allegation Shashi Kant Singh filed complaint case no. 4125/2015
on 15.12.2015. It is further submitted that there is a deed of

partnership annexure-3 at page 28 and on account of dispute with regard to partnership this false case has been filed.

Learned counsel for the complainant opposed the prayer for anticipatory bail and submitted that the petitioner is habitual in committing such offences. Complaint case no. 676/2016 is also filed against the petitioner by Bhupendra Kumar who is the complainant in which Bhupendra Kumar alleged that petitioner issued a cheque of Rs. 6,50,000/- and the same was dishonoured that is why he filed this complaint case. Similarly, Dinesh Prasad Gupta filed complaint case no. 3218/2015 in which he alleged that petitioner issued cheques bearing no. 235486 dated 27.06.2015 of Rs. 2,00,000/-, 235487 dated 29.06.2015 of Rs. 2,00,000/- and cheque no. 235488 dated 31.06.2015 of Rs. 1,80,000/- of Punjab National Bank and all the three cheques were dishonoured.

It appears that petitioner is in the habit of issuing cheques and the same were dishonoured due to non-availability of the fund in the account of the petitioner.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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