

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41451 of 2016

Arising Out of PS.Case No. -347 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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Sanjeet Kumar son of Late Raj Mangal Singh resident of Village/Mohalla-Pratap Pur, P.S.- Karja, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Bharat Prasad Sharma son of Late Mahendra Sharma resident of Village/Mohalla- Alkapuri, P.S.- Sadar, District- Muzaffarpur.

.... Opposite Parties

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Appearance :

For the Petitioner : Ms. Babita Kumari, Advocate.
For the Opposite Parties : Ms. Sucheta Yadav, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 23-11-2016 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No. 347 of 2013 registered for the offences punishable under Section 406 of the Indian Penal Code and under Section 138 of Negotiable Instrument Act.

The complainant alleged that the petitioner is an agent of Birla Sun Life Insurance Company and the informant gave Rs. 50,000/- and Rs. 1.50 lakhs to the petitioner for investment in Birla Sun Life Insurance Company but no paper of the insurance company was handed over to the complainant. It is alleged that the petitioner issued a cheque of Rs. 1.80 lakhs of Syndicate Bank in order to repay the complainant but the cheque was returned as the

petitioner was not having any account in Syndicate Bank.

Learned counsel for the petitioner submits that the petitioner did not issue any cheque. From perusal of the cheque, itself, it appears that Sanjeet Kumar, the proprietor of Millennium Computers issued the cheque in favour of Bharat Prasad Sharma, the complainant and the parentage of Sanjeet Kumar is different from the petitioner who is also Sanjeet Kumar.

On the other hand, learned counsel for the complainant vehemently opposed the prayer for anticipatory bail of the petitioner and submits that it was the petitioner who gave the cheque but, it appears that the cheque was issued by one Sanjeet Kumar, the proprietor of Millennium Computers, son of Mahendra Prasad and the petitioner is Sanjeet Kumar, Son of Late Raj Mangal Singh. The petitioner has no account in the Syndicate Bank.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate,

Muzaffarpur in Complaint Case No. 347 of 2013, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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