

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39662 of 2016

Arising Out of PS.Case No. -163 Year- 2016 Thana -KANKARBAGH District- PATNA

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1. Ram Vinay Sharma, S/o Baleshwar Sharma
2. Rajeev Sharma, S/o Baleshwar Sharma Resident of Mohalla- Rustampur,
Police Station & District- Jehanabad Present Address: Mohalla- Ashok
Nagar, P.S. Kankarbag, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Sharma

For the Opposite Party/s : Mr. Smt. Reena Sinha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 16-11-2016 Heard both sides.

The petitioners apprehend their arrest in Kankarbagh
P.S. Case No. 163/2016, registered for the offences punishable
under Sections 420 and 34 of the Indian Penal Code and Section
138 of the N.I. Act.

The informant alleged that both the petitioners took
Rs. 11,35,000/- from the informant to provide his wife job of
Assistant in the Secretariat but his wife did not get job of Assistant
in the Secretariat. The petitioners also took Rs. 90,000/- of gold
loan. The petitioners issued three cheques of Rs. 5,00,000/- but all
the three cheques were bounced.

Learned counsel for the petitioners submits that

Petitioner no. 1 has stated in his petition that he had already paid Rs. 3,85,000/- out of Rs. 5,00,000/- and willing to return the rest amount i.e. Rs. 1,15,000/-. This fact has not been denied in the counter affidavit. It is further submitted that the petitioners never took Rs. 11,35,000/- from the informant. The petitioners took only Rs. 5,00,000/- from the informant.

Learned counsel for the petitioners further submits that the petitioners were called in police station and he was forced to put signature on Annexure-B.

On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail.

It appears that the informant has made specific allegation that he gave Rs. 11,35,000/- to the petitioners and also gave Rs. 90,000/- of gold loan but the petitioners on one pretext or the other did not return the money. Petitioners issued three cheques; one of Rs. 1,00,000/- and two cheques of Rs. 2,00,000/- but all the three cheques were dishonoured. The petitioners gave Rs. 1,85,000/- to the informant against the dues amount and for further payment a panchayati was held in the police station in which the petitioners and his brother admitted the dues of Rs. 11,35,000/- and Rs. 90,000/- and also paid Rs. 2,00,000/- on the same day i.e. 07.04.2016. The petitioners, of course, alleged that

he was forced to put signature on the compromise petition but till date petitioners have not made any complain about obtaining forcefully signature on the compromise petition.

Considering the nature of allegations made against the petitioners, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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