

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12609 of 2014

Arising Out of PS.Case No. -2974 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Manoranjan Kumar Sinha S/O Sri Jaya Nand Sinha R/V Gangotri Travel Agency, Shop No. 117/118 Lok Nayak Bhawan, Dak Banglow Chauraha, Frazer Road, P.S- Kotwali, Distt- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Anand Kumar Singh S/O Shankar Dayal Singh R/V Pankaj Apartment. A.N. Path, North, S.K.Puri, P.S- S.K.Puri, Distt- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. K. Bhatnagar-Advocate
Mr. Vijay Kumar Sinha -Advocate
For the State : Mr. Abhay Kr.Roy(A.P.P.)
For the O.P. No.2 : Mr. Raj Kumar Pandey-Advocate

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

04 19-11-2016 Supplementary affidavit has been filed on behalf of

petitioner, taken on record.

From perusal of the supplementary affidavit, more particularly Annexure-B, it is apparent that in pursuance of the order of the learned Sessions Judge while granting anticipatory bail to the petitioner under A.B.P. No.19110 of 2014 filed Bank Draft appertaining to Rs.1,10,235/-, the due amount which, the order dated 24.02.2015 passed by the learned lower court also envisaged.

Instant prosecution has been launched as the cheque having been issued by the petitioner in favour of complainant

bounced on account of insufficient fund. It is evident that opposite party no.2 had already appeared. From the order dated 09.12.2014, it is evident that such kind of offer was there since before at the end of the petitioner. In the changed scenario, as the due amount had already been paid, instant prosecution loses its vitality and consequent thereupon, the order impugned dated 08.01.2013 passed by Sri Ghanshyam Singh, Judicial Magistrate, 1st Class, Patna in Complaint Case No.2974(c) of 2012 whereby and whereunder petitioner has been summoned to face trial of an offence punishable under Section 406 of the I.P.C. as well as Section 138 of the N.I. Act is hereby quashed.

Consequent thereupon, instant petition is allowed.

(Aditya Kumar Trivedi, J)

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