

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14021 of 2016

Arising Out of PS.Case No. -2947 Year- 2011 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

1. Sanjeev Kumar @ Tullu son of Late Ram Chandra Singh at present residing at C/o Vimal Singh, Village- Rohua Rajaram, P.S.- Mushahari, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanjeev Kumar Son of Late Rameshwar Prasad Singh, residing at C/o Vimal Singh, Village- Rohua Rajaram, P.S.- Mushahari, District- Muzaffarpur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh
For the Opposite Party/s : Mr. Murlidhar (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 18-04-2016 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Complaint Case No. 2947 of 2011 (Trial No. 89 of 2015), for the offences punishable under Section 138 of the Negotiable Instruments Act and Section 406 of the Indian Penal Code.

Learned Counsel for the petitioner has submitted that he did not have any knowledge about the lodging of the complaint case nor summons was ever served upon him and he learnt about the pendency of the



complaint case only after the police came to his house to execute non-bailable warrant of arrest issued on 31.08.2015. He further submits that the prosecution case, as narrated in the complaint petition, is highly improbable as the date when the complainant is said to have paid amount to the petitioner is subsequent to the date of issuance of the cheques by the petitioner. He further submits that considering the nature of dispute, there is no likelihood of tampering with the evidence.

Keeping in view the submission, so advanced, this application is allowed.

Let the petitioner, Sanjeev Kumar @ Tullu, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge 9, Muzaffarpur, in connection with Complaint Case No. 2947 of 2011 (Trial No. 89 of 2015), subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two

consecutive occasions, his bail bond shall be liable to be cancelled.



(Chakradhari Sharan Singh, J.)