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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22072 of 2016

Arising Out of PS.Case No. -89 Year- 2013 Thana -PATNA COMPLAINT CASE District- PATNA

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1. Sukesh Suman S/o Late Shiv Chandar Shastri Resident of New Patlipura Colony, P.S. Patliputra, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Mr. Rakesh Kumar S/o Birendra Kumar Resident of Mohalla - Shiwala Chowk, P.S. Shahpur, District - Patna

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bishnu Kant Dubey
For the Opposite Party/s : Mr. Abhay Kumar No. 1 (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

6 08-11-2016 Heard both sides.

The petitioner seeks bail in Complaint Case No. 89/C of 2013, filed for the offences punishable under Sections 406, 420 and other Sections of the Indian Penal Code and Section 138 of the N.I. Act.

The complainant alleged that the petitioner and other accused run an NGO in the name of Jan Pragati Mahila Samaj Kalyan Samiti. The accused persons took Rs. 12,00,000/- from the complainant for providing him job. When job was not provided to the complainant, the petitioner issued cheques but the same were dishonoured.

Learned counsel for the petitioner submits that on the same and similar allegation the complainant filed a Complaint Case

bearing no. 107/2013 in which the complainant made six persons as accused but in the present case complainant made only two persons as accused. The complainant has not alleged anywhere that who took money from the complainant and who issued cheques which were bounced. Notice was issued to the complainant but it is reported that the complainant died. The petitioner has already been enlarged on anticipatory bail in Complaint Case No. 107/2013 which was filed by the complainant in the Court of the learned Chief Judicial Magistrate, Bokaro on the same and similar allegation vide order dated 02.02.2015 passed in ABA No. 1033/2013. The petitioner is in jail since 20.10.2015.

It appears that the complainant has not made any specific allegation as to who issued cheques and the complainant gave money to whom. The petitioner is in jail more than a year.

Considering the facts aforesaid, the petitioner above named 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 learned Judicial Magistrate 1st Class, Danapur in connection with Complaint Case No. 89/C of 2013.

(Prabhat Kumar Jha, J.)

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