



IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51620 of 2014

Arising Out of PS.Case No. -580 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

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Devendra Singh, Son of Rameshwar Singh, Resident of Mohalla + Road –
Sursudha Lane, East Boring Canal Road, P.S. – Budha Colony, District -
Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha

For the Opposite Party/s : Mr. M.K.Khare(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 30-01-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Complaint Case No. 580(c) of 2010, registered for offences
punishable under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
present complaint case is the third complaint case for the same
event which cannot be permitted as per the provisions of law. He
submits that earlier two complaint cases bearing complaint case
no. 3099 of 2009, by which P.S. case No. 436 of 2009 came to be
registered and other complaint case bearing no. 3255(c) of 2009,
which are the subject matters of prosecution on two occasions. On



both the occasions, the offence as described in the complaint petition was same and similar quoting identical cheque numbers. It is further submitted by learned counsel for the petitioner that in the first case so registered the petitioner was taken into custody and subsequently released on regular bail and, thereafter, in the second complaint case, the petitioner was constrained to seek anticipatory bail which was also granted to him. The petitioner is again for the same cause of action is being harassed by the present complaint case. Learned counsel for the petitioner further submits that though the dispute is essentially of civil nature and it is the petitioner who had issued two cheques which are being repeatedly referred in this complaint petition and the petitioner is being harassed again and again for the same cause of action.

Having heard learned counsels, it *prima facie* appears that such litigations cannot be permitted and the petitioner *prima facie* has a good case for grant of anticipatory bail and accordingly, let 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, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) with two sureties of the like amount each to the

satisfaction of Judicial Magistrate, 1st Class, Patna in connection with Complaint case no. 580(c)of 2010, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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