

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12766 of 2016

Arising Out of PS.Case No. -2555 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Rahul Kumar Son of Sri Jaiyant Kumar Sinha, resident of Mohalla-
Makhdumpur, Digha Ghat, P.S.- Digha, District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raj Kumar Rajesh, Advocate
Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kr.Srivastav(APP)

For the Complainant : Mr. Krishnamurari Prasad Jaishwal, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

3 30-05-2016 Heard learned counsel for the petitioner as well as
learned counsel for the Complainant.

The petitioner apprehends his arrest in relation to
Complaint Case No. 2555 (C) of 2013 registered under Sections
420 and 406 of the Indian Penal Code and Section 138 of N.I. Act.

Learned counsel for the petitioners submits that as per
the first paragraph of the complaint itself, it is evident that the
petitioner is the Deputy Manager of IDBI Insurance Company
Limited and the complainant is an agent of IDBI Insurance
Company Limited. The allegation in the complaint is that the
complainant had granted loan of Rs. 1,15,000/- to the petitioner. In
other words, the insurance agent had granted to the Deputy

Manager a loan of Rs. 1,15,000/-. In repayment whereof two cheques were issued by the Deputy Manager, one of which was honoured and other of Rs. 18,000/- was bounced. On the basis of the above, it does not inspire confidence if the complainant had given a loan of Rs. 1,15,000/-, then as required by the Income Tax Act, a cross account payee cheque is required to be issued otherwise the complainant is liable to be prosecuted and also not a chit of paper has been produced to establish the loan.

Be that as it may, in the event of his arrest/surrender before the court below within four weeks, let the above named petitioner, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Patna, in connection with Complaint Case No. 2555 (C) of 2013 subject to conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Navaniti Prasad Singh, J.)

Mishra/Rajiv/-

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