

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38306 of 2016

Arising Out of PS.Case No. -1826 Year- 2012 Thana -GAYA COMPLAINT CASE District- GAYA

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Sharwan Kumar @ Shrawan Kumar, S/O Late Hari Narayan Mistri, R/O Mohalla- Bageshwari, P.S.-Delha, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dr. Birendra Kumar Sinha, S/O Late Ram Lakhan Singh, R/O Mohalla- Shivpuri Colony, Road No.2, P.S.- Chandauti, District- Gaya.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rina Sinha

For the Opposite Party/s : Mr. Sri Ajay Kumar-1

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

3 19-09-2016 Heard Smt. Rina Sinha , learned counsel for the petitioner , Sri Ajay Kumar No. 1, learned Additional Public Prosecutor as well as Sri Mahendra Thakur, learned counsel, who has voluntarily appeared on behalf of the complainant/ opposite party no. 2.

The sole petitioner, apprehending his arrest in Complaint Case No. 1826 of 2012 , registered for offence under section 406, 420 of the Indian Penal Code, has prayed for grant of bail in the event of arrest or surrender.

It was submitted by learned counsel for the petitioner that entire consideration amount was paid by the petitioner even then on an allegation that a cheque amounting to Rs. 1,50,000/- had bounced and the said amount has never been paid, the present case has been lodged. It is case of petitioner that he has already cleared the cheque amount and only thereafter he had received the cheque, which was earlier issued in favour of the complainant.

Learned Additional Public Prosecutor as well as learned counsel for the complainant have opposed the prayer for grant of anticipatory bail. It was submitted by Mr. Thakur that complainant has been cheated by the petitioner and complainant has suffered a loss of Rs. 1,50,000/-.

However considering the nature accusation, the court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner Sharwan Kumar @ Shrawan Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri Kumar Avinash, Judicial Magistrate 1st Class, Gaya / concerned court in

connection with Complaint Case No. 1826 of 2012 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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