

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49510 of 2016

Arising Out of PS.Case No. -189 Year- 2016 Thana -CHATAUNI District-
EASTCHAMPARAN(MOTIHARI)

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1. Akhilesh Kumar, son of sri Rajendra Prasad Village Mirpur P.S Chiraiya
, District East Champaran, at present resident of Mohalla Bajajpatti Main
Road, Bhawani Enterprises P.S Town Motihari , District East Champaran
..... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 22-12-2016 Heard both sides.

The petitioner apprehends his arrest in Chatauni P.S.
case No.189 of 2016 under Section 420, 406 of the Indian Penal
Code and under Section 138 of N.I. Act.

The informant alleged that he lent Rs. 10 lacs to the
petitioner for running his business. The petitioner returned him Rs.
3 lacs but thereafter again the informant lent Rs. 5 lacs and on
demand the petitioner issued a cheque of Rs. 7 lacs bearing No.
093855 dated 04.05.2016 and again a cheque of Rs. 5 lacs bearing
No. 093856 dated 27.06.2015 but both the cheques were
dishonoured due to paucity of fund in the account of petitioner.

It is submitted that the present case was lodged on
01.08.2016 but the petitioner lodged Chatauni P.S. case No. 437 of
2016 on 09.07.2016 for theft of the aforesaid two cheques and



alleged that Branch Manager of the bank informed that Ram Babu Prasad had come with two cheques for encashment.

The learned counsel for the informant as well as the learned Additional Public Prosecutor opposed the prayer for anticipatory bail.

It appears that petitioner disputed the factum of taking loan and he lodged the case earlier in point of time about the missing of cheques, which were presented by the informant for encashment.

Considering the facts aforesaid and the nature of allegations made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, 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 Chief Judicial Magistrate, East Champaran at Motihari in Chatauni P.S. Case No. 189 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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