

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35570 of 2017

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Pradeep Kumar Sinha, son of Late Sadhu Sharan Prasad @ Sadho Sharan Prasad, R/Flat No. B-201, Kashyap Suman Palace, R.M.S. Colony, P.S. Kankarbagh, District- Patna

.... Petitioner/s

Versus

1. State of Bihar
2. Deepak Srivastava, S/o Tarni Kumar Srivastava, R/of N.A. 10/4, New Alkapuri, P.S. Gardanibagh, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Advocate Mr. Amaresh Kumar Sinha Mr. Akash Keshav, Advocates
For the informant	:	Mr. Pramod Kumar Singh Mr. Prakash Chandra, Advocate
For the State	:	Mr. Sri Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 10-08-2017 Heard learned counsels for the petitioner, State and the informant.

The petitioner is in custody in connection with Complaint Case No. 2523 (C)/2016 for the offences 420, 379 and 323 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

Learned senior counsel appearing on behalf of the petitioner submits that whether in the instant case involving dishonour of cheque issued, Section 420 of the Indian Penal Code is attracted, is a debatable issue. He submits that the petitioner has remained in custody for approximately three months. The



case is triable by Magistrate.

Counsel for the informant submits that in the facts and circumstances there are material to suggest that the petitioner has committed cheating and duped the informant and extracted Rs. 21 lacs from the informant and as such the petitioner does not deserve bail in the instant case.

Whether the materials are sufficient to frame the charges or not is to be looked into in the trial. At this stage this Court deemed it fit and proper to direct the court below to conclude the trial within a period of six months.

In the meanwhile, the petitioner, above named, shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Smt. Sangeeta Rani, ACJM-cum-Sub Judge, XIV, Patna in connection with Complaint Case No. 2523 (C) of 2016, subject to the condition that the petitioner will extent full co-operation in conclusion of the trial and will not, in any manner, tamper with the evidence or influence the witnesses.

(Anil Kumar Upadhyay, J)

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