

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5915 of 2017

Arising Out of PS.Case No. -331 Year- 2016 Thana -GAYA KOTWALI District- GAYA

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Vikash Kumar, aged about 35 years, S/o Late Jawaher Lal, Resident of Mohalla Gorla Math Ramana, Holding No. 38 (A)/36, P.S.- Civil Line, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tilak Sao

For the Opposite Party/s : Mr. Sri Indra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 28-03-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kotwali P.S. Case No. 331 of 2016, registered under Sections 420 and 406 of the Indian Penal Code and Section 138 of the N.I. Act, pending in the court of Chief Judicial Magistrate, Gaya.

The accusation is that petitioner took Rs.3,00,000/- as loan to the informant which was to be returned within two months. But the petitioner did not return. On request, petitioner issued check of Rs.3,00,000/- in favour of the informant but on presentation of the cheque by the informant in the bank, the same was dishonoured due to insufficient money in the account of the petitioner.

Learned counsel for the petitioner submits that, in



fact, petitioner had taken cash of Rs.3,00,000/- to the informant due to that reason petitioner issued cheque of Rs.3,00,000/- as security and he handed over cash of Rs.3,00,000/- to the informant. On 15.10.2015, the informant did not return the cheque to the petitioner as the same was not available with him arising that the cheque will be returned on next date. But with ulterior motive, the informant did not return the cheque and filed the present case.

Learned counsel for the informant opposed the prayer for bail of the petitioner with submission that petitioner has criminal antecedent and he is accused in another similar nature of the case.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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