

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28373 of 2017**

Arising Out of PS.Case No. -189 Year- 2016 Thana -PATNA COMPLAINT CASE District-  
PATNA

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Ramakant Sinha, Son of Shiv Nandan Prasad, Resident of Koushiva Bhawan, Road No. 1, Near N.R.L. Petrol Pump, Patel Seva Nagar, Kumhrar, V.H. Colony, Police Station - Agamkuan, District - Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Ahilya Kumari, wife of Shri Rakesh Kumar, Resident of Sahil Bhawan, Naland Colony, Post Office - Badi Pahadi, Police Station - AgamKuan, District - Patna.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate.  
For the Opposite Party/s : Mr. Rajendra Nath Singh, Advocate.  
For the State : Mr. A.M. Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**  
**ORAL ORDER**

3      13-11-2017                      Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 189(C) of 2016, registered under Section 420 of the Indian Penal Code and Section 138 of the N.I. Act.

The accusation is that petitioner approached the complainant, Ahilya Kumari, and demanded Rs.2,10,000/- on assurance to return the same after some time. Thereafter, complainant become ready to pay the money, but demanded security, on which, petitioner gave post dated cheque with



contention that in case of none returning he will present the post dated cheque for credit in her account. Accordingly, the complainant gave a cheque of Rs.2,00,000/- which was credited in the account of the petitioner and also cash of Rs.10,000/-. The petitioner did not return the money in time. Thereafter, she presented the posted dated cheque issued by the petitioner for encashment in her account, but the same was dishonoured due to instruction of the petitioner to stop the payment.

Learned counsel for the petitioner submits that the cheque as alleged to be issued by the petitioner, which was dishonoured, on presentation of the complainant, was stolen by the complainant, regarding which, the petitioner filed the Complaint Case No.169 (C) of 2016 against the complainant and her husband, Rakesh Kumar, due to that reason the present case has been lodged with false allegation. In fact, petitioner is ready to pay Rs.2,10,000/- to the complainant through draft within three months on protest.

Learned counsel for the complainant-opposite party no. 2 has no objection in allowing the pre-arrest bail to the petitioner, if he handed over the draft of Rs.2,10,000/- within three months to the complainant-opposite party no. 2.

Having regard to the facts and circumstances of



the case and submission of learned counsel for the petitioner, let the above named petitioner be released on provisional bail for three months, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-V, Patna City, in connection with Complaint Case No. 189(C) of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C. If the petitioner submits the receipt regarding depositing of Rs. 2,10,000/- within three months in favour of the complainant-opposite party no. 2, the provisional bail of the petitioner shall be confirmed by the court below. If the petitioner fails to submit the receipt of showing the payment of 2,10,000/- by draft, the court below will be at liberty to cancel his bail bond.

Accordingly, the application is disposed of.

**(Rajendra Kumar Mishra, J)**

Bhardwaj/-

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