

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31181 of 2017

Arising Out of PS.Case No. -99 Year- 2013 Thana -JAMUI District- JAMUI

- =====
1. Ram Prakash Mahawar, S/o Late Banwari lal Mahawar, R/o Bhagwati Sadan, S.D. marg, Near Railway Station, Alwar (Rajasthan), working as General Manager (Sales), M/s Deepak Veg Pro Pvt. Ltd, Head Office, Alwar (Rajasthan).
 2. Rahul Sharma, S/o Sri Vinod Kumar Balera, R/o Bhagwati Sadan, S.D. marg, near Railway Station, Alwar (Rajasthan), working as Sales Manager, M/s Deepak Veg Pro Pvt Ltd, Head Office, Alwar (Rajasthan)
 3. Rajesh Kumar Gupta @ Rajesh Gupta, S/o Sri Ramswaroop Gupta, permanent R/o 5/119, Kalakua Housing Board, Arawali Vihar, Alwar (Rajasthan), at present working as Accountant in Deepak Veg Pro Pvt Ltd, Durgawati, Kaimur (Bhabhua), Bihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anju Kumari @ Anju Narain
For the Opposite Party/s : Mr. Narsingh Tanti

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 14-07-2017 Heard both sides.

The petitioners are apprehending arrest in connection with Jamui P.S. Case no. 99 of 2013 registered for the offence under Sections 406, 420, 467, 468 and 471/34 of the I.P.C.

The informant has alleged that these petitioners approached him in connection with business of vegetable oil and refine oil of their company and for providing oil, they took three blank cheques of Punjab National Bank as security and promised to return the same later. The accused persons in conspiracy with each other encashed one of the cheque bearing no. 290287 dated



23.1.2013 for an amount of Rs. 1.65 lacs. The accused persons further threatened that they would encash the remaining two cheques also. Thereafter, the informant lodged the present cash.

The learned counsel for the petitioners submits that the complainant of this case has cheated him by giving cheques on different dates although he had no sufficient money in his account. Out of three cheques, the petitioners company deposited two cheques in the Bank for an amount of Rs. 5 lacs and 7,21,456/- issued on 22.02.2013 and 25.02.2013 respectively. Both the said cheques bounced on account of insufficient fund. Thereafter, the petitioners after giving due notice, filed a complaint case in the court of Chief Judicial Magistrate, Alwar, Rajasthan on 24.04.2013 under Section 138 of the N.I. Act in which, the learned court by order dated 08.05.2013 took cognizance against the present informant (O.P. no. 2). Thereafter, the informant has filed the present case as counter blast to the case of the petitioners which was filed through petitioner no. 2. It has been further submitted that the accused no. 1 (Sourav Data) has been allowed anticipatory bail by one of the coordinate Bench of this Court on 08.07.2015 in Cr. Misc. no. 25173 of 2015. The case of these petitioners stand on similar footing and so they also deserve anticipatory bail.



The learned APP, on the other hand, opposed the submissions.

Considering the omnibus allegation against the petitioners as regards committing breach of trust and cheating and also the fact that the company of the petitioners had lodged a complaint case against the present informant much earlier to the present case. The case of these petitioners is on similar footing to the accused enjoying privilege of anticipatory bail on the strength of order passed by one of the coordinate Bench of this Court. The prayer of anticipatory bail of all these three petitioners is, therefore, allowed. The petitioners above named, in the event of arrest/surrender within six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case no. 99 of 2013, subject to the condition as laid down under Section 438(2), the code of Criminal Procedure.

(Sanjay Kumar, J)

rohit/-

U		T	
---	--	---	--

