

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30585 of 2017

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Shashikant Kumar Son of Sheoji Sah, Resident of Village- Hathua, Police Station- Hathua, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gambhir Kumar singh, Son of Ram Padarath Singh, Resident of Village- Arar More, Ward No. 26, Police Staion- Gopalganj, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 22-08-2017 Heard both sides.

The petitioner apprehends his arrest in Trial No. 494 of 2017 registered for the offences punishable under Section 406 of the Indian Penal Code and Section 138 of Negotiable Instrument Act.

The complainant alleged that the petitioner took money from him for executing the sale deed for a piece of land. But the petitioner refused to execute the sale deed and hand over the cheque of Rs. 400000/- to the complainant. When the complainant presented the cheque, the same was dishonored.

Learned counsel for the petitioner submits that the petitioner did not hand over any cheque to the complainant. The



petitioner filed a petition before the Branch Manager State Bank of India, Hathua stating therein that he lost two cheques bearing no. 641515 and 641516 and the same were duly signed by the petitioner but no amount was filled up not the date was given on the cheques. It is further submitted that the complainant has stated that the petitioner gave money in presence of the witnesses but the petitioner in his solemn affirmation stated that when he gave money to the petitioner no body was present.

On the other hand, learned counsel for the complainant opposed the prayer for anticipatory bail and has submitted that the petitioner is in the habit of issuing cheques petitioner issued one cheque in favour of the complainant. The petitioner also issued cheque in favour of Dhananjay Kumar and another cheque in the name of Nitesh Kumar and both the cheques were dishonored.

Considering the facts aforesaid, particularly the fact that the petitioner is in the habit of taking money from different persons and issuing cheques, I am not inclined to enlarge the petitioner on anticipatory bail. The same is rejected, accordingly.

(Prabhat Kumar Jha, J)

Devendra/-

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