

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34139 of 2017

Arising Out of PS.Case No. -114 Year- 2015 Thana -JHANJHARPUR District- MADHUBANI

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1. Raj Kumar Jha, son of Dhananand Jha, resident of village-
Chanauraganj, P.S.- Jhanjharpur, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ratan Mishra, son of late Upadhyay Mishra, resident of Bukbuka (KD),
P.S.-Khelari, District-Ranchi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Opposite Party/s : Mr. Rajeev Nayan, APP
For the Informant : Mr. Lakshmi Kant Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 18-10-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Informant.

Petitioner apprehends his arrest in **Jhanjharpur**
P.S. Case No.114 of 2015 instituted for the offence under
Section(s) 420 Indian Penal Code and Section 138 of the NI Act.

Counsel for the petitioner submits that there was
business dealing between the parties. Informant has made vague
allegation in the complaint that he supplied 35 trucks coal
amounting to Rs.26,13,000/- and the petitioner issued cheque
dated 28.11.2013 for Rs.10,63,000/-, which bounced.

Counsel for the Informant has appeared and opposed
the prayer for bail.

In the complaint, there is no mention that the
aforesaid cheque or cheque return memo has ever been annexed



with the Complaint Petition. Moreover, it appears to be a business dispute.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Jhanjharpur P.S. Case No.114 of 2015**, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate, Jhanjharpur**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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