

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49111 of 2017

Arising Out of PS.Case No. -366 Year- 2016 Thana -BARH District- PATNA

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1. Raj Gaurav S/o Shailendra Kumar Sinha, R/o Govind Mitra Raod,
Bankipore, Janta Lodging Compound, House No. 15, P.S.- Pirbahore,
District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Yash Singh

For the Opposite Party/s : Mr. Sri Anant Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 31-10-2017 Heard both sides.

The petitioner apprehends his arrest in Barh P.S.
Case No. 366 of 2016 registered for the offences punishable under
Sections 406 and 420 of the Indian Penal Code.

The gist of the allegation is that the petitioner entered
into an agreement to establish a private hospital and the informant
invested Rs. 13,98,000/-. After sometime, the petitioner is said to
have agreed to return Rs. 11 lakh to the informant for purchasing
his share invested in the hospital. An agreement was executed
between the two sides for the mode of payment to the informant.
Learned counsel for the petitioner further submits that the payment
is being made by the bank. The informant, himself, presented



cheques writing wrong dates and years and therefore, the payment could not be made to the informant. No case under Section 138 of the N.I. Act is filed for bounce of cheques.

On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that the petitioner although issued nine cheques but, when the cheques were presented four cheques out of nine was bounced. It appears that the petitioner and the informant were partner and they had agreed to establish a private hospital. Both of them invested money, but later on the informant agreed to take back his money and the petitioner agreed to refund Rs. 11 lakhs for which he issued nine cheques for payment of the amount till 20.08.2018. It appears that there is a dispute with regard to payment of the capital amount. The petitioner claims that the cheque is being honoured.

Considering the facts aforesaid, the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Barh, Patna in Barh



P.S. Case No. 366 of 2016, subject to the conditions as laid down
under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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