

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50643 of 2017

Arising Out of PS.Case No. -345 Year- 2017 Thana -PIRBAHOR District- PATNA

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Deepak Kumar, son of Suresh Gupta, Prop. Of Mama Bhanja Saree Home,
Patel Nagar, P.S.-Shastri Nagar, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Munni Devi, wife of late Suraj Kumar Agrawal, Prop. New Bombay
Textile, Second Floor, Sidehswari Market, Birla Mandir Road, P.S.-
Pirbahore, District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 17-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is seeking anticipatory bail in connection
with Pirbahore P.S. Case No.345 of 2017 registered for offences
punishable under Sections 406, 420, 323 and 504 of the Indian
Penal Code and Section 138 of N.I. Act.

Learned counsel for the petitioner submits that the
complaint petition being Complaint Case No.2984(C) of 2015 was
presented in the court of learned Chief Judicial Magistrate, Patna
on 22.08.2015, but the application was not pressed till 09.07.2017



when ultimately the said application was sent to Pirbahore police station for lodging an FIR. Learned counsel submits that the FIR itself shows the date of receipt of information in the police station on 09.07.2017. It is the submission of learned counsel for the petitioner that the petitioner and informant were in business relationship and they were maintaining a running account of their business in which all debits or credits were taking place. Learned counsel submits that as per Annexure-2 which is a copy of the ledger maintained by the petitioner in his firm only a sum of Rs.296/- is due to the informant. Attention of this Court has been drawn towards several entries showing payments made to the informant during the period 2015, 2016 and 2017 being totally unaware of the fact that the informant has lodged the complaint case. Submission is that it is a mala fide prosecution.

On the other hand, learned APP for the State opposed the prayer for anticipatory bail.

Considering the nature of the case, in case of arrest or surrender of the petitioner within a period of four weeks from today, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with



Pirbahore P.S. Case No.345 of 2017, subject to the conditions as
laid down under Section 438(2) Cr.P.C.

(Rajeev Ranjan Prasad, J)

Arvind/-

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