

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7648 of 2017

Arising Out of PS.Case No. -188 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

- =====
1. Dhaneshwar Saw, S/o Karu Saw
 2. Suresh Saw, S/o Dhaneshwar Saw
 3. Kishore Saw, S/o Suresh Saw
 4. Rekha Devi, W/o Suresh Saw, Both Resident of Village/Mohalla- Surari
Imamnagar, Police Station- Halshi, District- Lakhisarai.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate.

For the Opposite Party/s : Mr. Sanjeev Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-03-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and learned counsel appearing on behalf
of the State.

The petitioners are apprehending their arrest in
connection with Lakhisarai (Kabaiya) P.S. Case No. 188 of 2016
for the offences instituted under Sections 419, 420, 467, 468, 323,
504, 406, 120B and 34 of the Indian Penal Code.

The allegation against the petitioners is that the
petitioners purchased a tractor from the complainant, amounting
to Rs. 5, 95,000/- on credit, as they were known to each other, but
after expiry of one month, when the husband of the complainant
made demand, a Cheque was issued by the petitioner no.2, which



was dishonoured due to insufficient fund and when the husband of complainant approached to the accused persons, they refused to make payment and assaulted him.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. They have falsely been implicated in the present case. The specific allegation is against petitioner no.2, who had signed the cheque, amounting to Rs. 5, 95, 000/-, which subsequently bounced. As far as petitioner nos. 1, 3 and 4 are concerned, there is no specific allegation against them. The petitioner no.4 is a lady.

On behalf of the State and the counsel for the informant, it has been submitted that there is specific allegation against the petitioner no.2 as he is the signatory on the Cheque, in question. Vide Annexure-2, a Complaint case was filed after the institution of the present case, where the informant and others were made accused with a malafide intention. The steps for reconciliation were taken by the Sessions Court but it appears that the accused did not co-operate in the same and ultimately reconciliation has failed, at the instance of petitioner no.2 and others.



Considering the aforesaid facts and circumstances, since specific role has been alleged against the petitioner no.2, I am not inclined to extend the privilege of anticipatory bail to the petitioner no.2. Prayer for anticipatory bail of petitioner no.2 is rejected.

Anyhow if the petitioner no.2 surrenders in the court below within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order.

As far as the petitioner nos.1, 3 and 4 are concerned, since no role has been alleged against them, let the petitioner nos.1, 3 and 4, above named be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today, in connection with Lakhisarai (Kabaiya) P.S. Case No. 188 of 2016 on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Lakhisarai, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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