

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19679 of 2017

Arising Out of PS.Case No. -22 Year- 2010 Thana -AURANGABAD COMPLAINT CASE District-
AURANGABAD

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Bhagwat Prasad, Son of Late Bishwanath Prasad, R/O Mohalla – Panjabi
Mohalla – P.O. + P.S. – Sasaram, District – Rohtas (Bihar).

.... Petitioner

Versus

1. The State of Bihar
2. Santosh Kumar, Son of Hal Khori Mahto, R/O Village – Debakli, P.O. +
P.S. – Obra, District – Aurangabad.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ranjit Kumar, Advocate.

For the Opposite Parties : Mr. Damodar Prasad Tiwary, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 17-05-2017 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No. 22 of 2010, registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code and under Section 138 of the N.I. Act.

The petitioner purchased rice of Rs. 3 lakhs. The petitioner paid Rs. 1.75 lakhs cash and gave cheque of Rs. 1.25 lakhs. When the complainant presented the cheque, the same was returned with endorsement that there was insufficient fund in the account of the petitioner.

Learned counsel for the petitioner submits that the petitioner gave money to the complainant but he did not return the cheque to the petitioner and filed case making false allegation but,



it appears from perusal of the records that the case is of the year 2010. The process under Sections 82 and 83 Cr.P.C. was issued against the petitioner on 25.10.2011, itself, but the petitioner did not appear.

Considering the facts that process under Sections 82 and 83 Cr.P.C. have already been issued against the petitioner, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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