

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5540 of 2017

Arising Out of PS.Case No. -3744 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Mantu Kumar, Son of Late Ramchandra Singh, R/o Kaushalya Bhawan,
Mohalla Old Zakkanpur, P.S. Gardanibag, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Kumar Shyam Singh, Son of Late Raj Kishore Singh, R/o Quarter No.
H/54, Mohalla Electricity Board Colony, P.S. Shashtri Nagar, District-
Patna, working as Clerk at Bidhuyut Bhawan, Bailey Road, P.S. Kotwali,
District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh

For the Opposite Party/s : Mr. Rajendra Prasad Nat

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 07-02-2017

Heard the parties.

The opposite party No. 2 has been granted
anticipatory bail by the Court of learned Sessions Judge, Patna by
an order, dated 21.12.2016, passed in Complaint Case No. 3744 of
2015, which was registered for the offence punishable under
Section 420 of the Indian Penal Code and Section 138 of the
Negotiable Instrument Act.



The petitioner is the complainant of said Complaint Case No. 3744 of 2015 and seeks cancellation of bail so granted to opposite party No. 2.

Learned counsel for the petitioner has submitted that the court below has allowed bail to opposite party No. 2 on erroneous considerations inasmuch as he has recorded in his order that the dispute being of civil nature, the petitioner deserve grant of anticipatory bail.

I have perused the order and considered the submission so advanced on behalf of the petitioner. I do not find any error in exercise of discretion while granting anticipatory bail to opposite party No. 2. There is no case of misuse of concession of bail so granted.

I do not find any merit in this application, which is, accordingly, dismissed.

Any observation made in an order, granting or refusing bail, is always tentative in nature and such observation cannot be treated to be an expression on merits of the case.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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