

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31059 of 2017

Arising Out of PS.Case No. -175 Year- 2016 Thana -PATLIPUTRA District- PATNA

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Rajesh Kumar Son of Mukund Saw, Resident of Indrapuri, Road No. 11,
P.S. Patliputra, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gopal Sharma, Son of Late Sanichar Mistri, Resident of Indrapuri, Road
No. 11, P.S. Patliputra, District- Patna, at present village- Nawahi, P.S.-
Naubatpur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suryakant Kumar
For the Opposite Party/s : Smt. Reena Sinha

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 12-07-2017 Heard both sides.

The petitioner apprehends arrest in connection with
Patliputra P.S. Case no. 175 of 2016 registered for the offence
punishable under Sections 420 of the Indian Penal Code and
Section 138 of the N.I. Act.

The learned counsel for the petitioner submits that
the petitioner had purchased a land in the name of his wife from
the mother of the informant. In this regard, three cheques bearing
no. 034868, 034869 and 034870 each for an amount of Rs. 1 lac as
balance of consideration money was given to the informant. The
cheques were presented at the Bank which on account of
insufficient fund was dishonoured. The petitioner, subsequently,
paid the said amount in cash and also received back the said



cheques from the informant. The matter has been compromised and the anticipatory bail prayer of the petitioner was allowed by the Addl. Sessions Judge-VI, Patna on being satisfied with the genuineness of the compromise petition. The informant of this case has left the place and at present he is not available. The petitioner filed an Anticipatory Bail Petition no. 3548 of 2016 for certain modifications which was rejected by the court below. Learned counsel for the petitioner filed a supplementary affidavit along with a copy of compromise petition which was filed before the court of Judicial Magistrate, 1st Class, Patna to show that the case has been compromised before the court below.

Considering the facts and circumstances of the case, the prayer of anticipatory bail is allowed. The petitioner above named, in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Smt. Divya Mita, J.M. 1st Class, Patna in connection with Patliputra P.S. Case no. 175 of 2016, subject to the condition as laid down under Section 438(2), the code of Criminal Procedure

(Sanjay Kumar, J)

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