

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22238 of 2016

Arising Out of PS.Case No. -123 Year- 2015 Thana -SHASTRINAGAR District- PATNA

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1. Yogesh Kumar, Managing Director, Nath Consumer Product Private Limited, Son of late Baidhnath Singh, Resident of C15, 16 and 17, Industrial Area Hajipur, P.S. Industrial Area, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Singh, son of late Kapildeo Singh, M/s Protek Feed Pvt. Ltd., B1-5, EPIP Hajipur Industrial Area, P.S.-Industrial Area, Hajipur, Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Kumar Panday, Advocate

For the Opposite Party No.1: Dr. M. K. Gautam, APP

For the Opposite Party No.2: Mr. Arbind Kumar Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

8/ 30-03-2017

Heard learned counsel for the Petitioner and the

State as well as counsel for the informant.

The Petitioner apprehends his arrest in Shastri Nagar P.S. Case No.123 of 2015 instituted for the offence under Section(s) 406, 420 Indian Penal Code and Section 138 of the Negotiable Instrument Act pending in the Court of the Judicial Magistrate, 1st class, Patna.

It is alleged in the written report that rupees sixty two lacs was given by the informant to the petitioner as friendly loan and for the aforesaid friendly loan the petitioner prepared one paper, which is filed by the Opposite Party No.2 as Annexure-A to the Counter Affidavit, wherein, the petitioner has



admitted that he has received rupees sixty one lac sixty thousand and he will return the amount by 2013 and if the amount is not returned by that time then the informant is free to take legal action.

It has been submitted on behalf of the Opposite Party No.2 that money was not returned in time and then he made demand of the money and the petitioner gave him cheque of rupees sixty two lacs on 21.11.2014, which was bounced.

The petitioner was directed to file specific reply through Supplementary Affidavit with regard to Annexure-A to the Counter Affidavit, but no specific denial of the aforesaid document has been made by the petitioner.

The informant-Opposite Party No.2 has enclosed the bounced Cheque as Annexure-B & C to the Counter Affidavit, which show that cheque amounting to rupees sixty two lacs was issued by the petitioner in favour of the informant-Opposite Party No.2, which was bounced.

In such circumstances, when there is direct allegation against this petitioner, I am not inclined to extend the privilege of anticipatory bail to the petitioner.

Prayer is rejected.

The petitioner may surrender before the Court below



and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

In the event, the petitioner at the time of surrender agrees to make payment to the informant-Opposite Party No.2, the Court below will pass appropriate order in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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