

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47446 of 2016

Arising Out of PS.Case No. -86 Year- 2015 Thana -MARANCHI District- PATNA

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Dharmendra Kumar, s/o Geeta Mahto, aged about 36 years, r/v Marachi,
Nepali Tola, P.S. Marachi, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh

For the Opposite Party/s : Mr. Sri Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 08-02-2017 Heard both sides.

The petitioner apprehends his arrest in Marachi P.S.
Case No. 86 of 2015, registered for the offences punishable under
Sections 406, 417, 420 and 34 of the Indian Penal Code.

The prayer for anticipatory bail of the petitioner was
earlier rejected vide order dated 26.07.2016 passed in Cr. Misc.
No. 22136/2016. The petitioner again filed this anticipatory bail
petition on the ground that the dispute is of civil nature. The
petitioner had given cheques to the informant as security but the
informant illegally presented the cheques in the Bank.

From perusal of Annexure-6, it would appear that the
Branch Manager gave certificate that the petitioner had informed
for non-payment of cheques. Therefore, the petitioner did not act
in order to cheat the informant. It appears that the petitioner took



money on different dates from the informant. The petitioner also made payment of some amount in the account of the informant but when the informant demanded the remaining amount, the petitioner issued cheques of Rs. 12 lacs, but the cheques were dishonoured. At the time of filing of earlier anticipatory bail petition the certificate of stop payment was not produced. It appears that the petitioner took money from the informant for giving him the principal amount as well as the benefit acquired thereon, but the petitioner got the land transferred in his own name and refused to make payment to the informant.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders before the court below within four weeks from the date of receipt/production of a copy of this order and prays for regular bail, his prayer shall be considered on its own merit without being prejudiced by this order. The court below shall dispose of the bail petition preferably on the same day.

(Prabhat Kumar Jha, J.)

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