

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53672 of 2016

Arising Out of PS.Case No. -1084 Year- 2015 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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Sanjay Kumar Upadhyay @ Pyarelal, Son of Nilambhar Upadhyay, resident
of Village- Chilahari, P.S.- Dumraon, District- Buxar.

.... Petitioner

Versus

1. The State of Bihar,
2. Chanchal Kumar Singh son of Sriram Jagat Singh, resident of Village-
Ramo Baria, P.S.- Buxar (Industrial Area), District- Buxar. At present
Ara Railway Colony, Ara Nawada, P.S.- Ara Nawada, District-
Bhojpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Singh

For the Opposite Party/s : Mr. Jitendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 02-02-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint P.S. Case no. 1084 (C) of 2015, registered under Sections
406, 420, 468/34 of the Indian Penal Code.

The prosecution case is that the complainant was well
known to the petitioner and one Bablu Yadav as the complainant and
said Bablu Yadav were doing the work of Medical Representative
under the petitioner Sanjay Kumar Upadhyay @ Pyarelal. Thereafter,
complainant gave his ATM card and one blank cheque as a security to the
petitioner on the assurance that the same will be returned within 02 to 03
months. Thereafter, in spite of passing of three months, cheque and ATM
Card were not returned to him saying that the same have been misplaced and



after search he will returned the same. The complainant also told that at that time, there was amount in the account. Thereafter, complainant came to know on 13.04.2015 that the same cheque was used after filling of Rs. 6,50,000/- as security at the book shop of Gayan Prakas belonging to one Ved Prakash for taking the book of Rs. 6,95,000/- with the help of one Sumit Kumar.

Learned counsel for the petitioner submits that, in fact, Gayan Prakash, Proprietor of Ved Prakash book shop sent the notice for dishonour of the cheque to the complainant and also filed the Complaint Case No. 692C of 2015 against the complainant of present case and one Sumit Kumar. Due to that reason only to take defence the present compliant case has been filed with false allegation. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur at Arrah in connection with Complaint Case No. 1084 (C) of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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