

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38603 of 2017

Arising Out of PS.Case No. -28210 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Ram Binod Kumar, son of Sri Baidynath Sharma, resident of Mohalla-
Rampur, P.O.-Mahendru, Police Station- Bahadurpur, District- Patna.
At Present House No. G-78 P.C. Colony, P.S.-Kankarbagh, District-
Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Anshu Kumar, son of Sri Anil Kumar singh, resident of Mohalla-
Chitragupta Nagar, P.S.- Patrakar Nagar, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

Mr. Priyadarshi Matri Sharan, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 28-08-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in Complaint Case
No.28210-C of 2014 instituted for the offence under Section(s)
420 Indian Penal Code and Section 138 of the Negotiable
Instruments Act pending in the Court of the Judicial Magistrate,
1st class, Patna.

As per Complaint Petition, the Complainant gave
rupees five lac in cash and rupees five lac by cheque to the
petitioner and a money receipt was prepared in which it is
mentioned that the petitioner will return the money within one



month and he also gave one post dated cheque of rupees ten lac, which was to be deposited in Bank in the event money is not returned in time. It is further alleged in the Complaint Petition that the Complainant deposited the aforesaid cheque, which got bounced with endorsement “insufficient fund”. Xerox copy of the cheque has been annexed with the Complaint Petition.

From the money receipt annexed with the Complaint Petition, it appears that petitioner has admitted that he has taken rupees ten lacs from the Complainant as loan. It is also mentioned in the money receipt that he has given post dated cheque bearing no.880226 for payment of aforesaid amount of loan in the event he defaults in making payment of the loan amount within one month as per averment made in the money receipt. Same cheque was presented by Complainant in the Bank, which bounced with endorsement “insufficient fund”.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is rejected.

Petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law on its own merit without being prejudiced



by this order.

(Sanjay Priya, J)

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