

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43720 of 2016

Arising Out of PS.Case No. -176 Year- 2016 Thana -CHHATAUNI District- EAST CHAMPARAN
(MOTIHARI)

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Jai Prakash @ Jay Prakash Patel, son of late Ishwar Chandra Patel, resident of Mohalla- Bhawanipur Zirat, P.S. Chhatauni, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Manohar Kumar Singh, son of Lalan Singh, resident of Village- Bariyarpur, P.S.- Chhatauni, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Sharan Singh, Advocate.

For the Opposite Party/s : Smt. Madhuri Lata, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

- 5 20-01-2017 Heard learned counsel for the petitioner and the State.
- The petitioner seeks anticipatory bail in a case instituted for the offence under Sections 420, 406 of the Indian Penal Code and Section 138 of N.I. Act.
- The case of the complainant is that he had made relation with the accused petitioner. It is alleged that petitioner took Rs.15,00,000/- from the informant for smooth running of his business named and styled as M/s. Puja Light & Pandal Decorators in Motihari. The petitioner also executed an agreement on 17.10.2015 before Notary Public, Civil Court, Motihari, on non judicial stamp, stating therein that if the petitioner will not refund the aforesaid amount to the informant, then he will get registered



his house in the name of informant. It is alleged that the petitioner gave Rs.9,90,000/- to the informant by cheque which bounced on 17.3.2016. Thereafter, the informant sent legal notice to the petitioner through registered post, but he did not return the money. In this manner, the petitioner has committed cheating with the informant.

The court below after going through the records of the case, found prima facie case for the offence under Sections 406, 420 and 138 of N.I. Act.

The petitioner has made submission in this Court that he has friendly terms with the informant. He has given cheque to him in friendly manner. He has not taken any money from the informant. This Court is unable to accept such submission as it is admitted position that a cheque amounting to Rs.9,90,000/- was issued by the petitioner in favour of the informant. Moreover, there is direct allegation against the petitioner of taking money which was not returned by him to the informant.

Considering the aforesaid facts and circumstances of the case, this court does not find it fit case to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner stands rejected.



However, the petitioner is directed to surrender before the court below and pray for regular bail which shall be disposed off on the same day in accordance with law without being prejudiced by this order.

S.Ali/-

(Sanjay Priya, J)

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