

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3557 of 2017

Arising Out of PS.Case No. -192 Year- 2012 Thana -GAYA COMPLAINT CASE District- GAYA

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Hardeo Manjhi, son of Bhatun Manjhi, resident of village- Baijal Tatariya,
Post- Bara Gandhar, P.S.-Gaya Muffasil, District-Gaya,

.... Petitioner/s

Versus

1. The State of Bihar &
2. Brijesh Kumar Tiwari, son of late Kailash Tiwari, resident of Mohalla-
Kirani Ghat, P.S.-Kotwali, District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Imteyaz Ahmad, Advocate

For the Opposite Party/s : Mr. Abhay Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 26-04-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Complaint
Case No.192 of 2012 instituted for the offence under Section(s)
406 Indian Penal Code and Section 138 of the Negotiable
Instrument Act, pending in the Court of the Judicial Magistrate,
1st class, Gaya.

It is alleged that the petitioner issued cheque of
rupees eighty six thousand to the complainant for refund of the
loan, which he had taken from the complainant and that cheque
bounced with endorsement 'insufficient fund'.

Learned counsel for the Petitioner has submitted
that he and the complainant are the PDS dealer and he had given



the cheque to the complainant for business purpose but the complainant has denied such submission.

A report was called for from the Court below about the present status of the case, which has been received and it is mentioned that summoning order was passed against the petitioner on 17.09.2012 and the case is pending for appearance of this petitioner continuously since 2012.

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

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.

If the petitioner at the time of surrender, agrees to make payment of the amount of the cheque to the complainant, the Court below will consider such prayer in accordance with law and pass appropriate order preferably on the same day without being prejudiced by this order.

(Sanjay Priya, J)

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