

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47513 of 2017

Arising Out of PS.Case No. -271 Year- 2015 Thana -MAHARAJGANJ District- SIWAN

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1. Rajnish Chauhan, Son of Dinanath Mahto @ Chauhan, Resident of Village & P.O.- Sahuli, P.S.- Hussainganj, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Raj Kumar Mahto, Manager, Canara Bank, Maharajganj Branch, Maharajganj, District- Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ramadhar Shekhar

For the Opposite Party : Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 16-10-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Maharajganj P.S. Case No. 271 of 2015 instituted for the offence under Sections-420, 406/34 of the Indian Penal Code.

It has been submitted that no loss has been caused to anyone. The allegation is that the petitioner got draft issued in his name but later on, he got that draft cancelled on the ground that the same has been lost but the informant, branch Manager of the bank later on found that one Rajnish Chouhan submitted the aforesaid draft in his favour for payment but payment could not be made in the account of the payee as mentioned in the aforesaid draft because the draft has already been cancelled by Akhilesh Singh. It has been submitted that Akhilesh Singh was business partner of this petitioner. Akhilesh Singh got the draft prepared in favour of Bihar State Beverages Corporation Ltd. but later on, it was got cancelled. The petitioner has no knowledge that the draft has been cancelled and therefore, he deposited the aforesaid draft. As



such, from the written report itself, it appears that no loss has been caused to any one.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Maharajganj P.S. Case No. 271 of 2015 to the satisfaction of learned Additional Chief Judicial Magistrate-II, Siwan subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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