

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45963 of 2017

Arising Out of PS.Case No. -595 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

Sanjay Kumar Khatri, son of Ram Lakhan Khatri, resident of Mohalla - Shahganj, P.S. Sultanganj, P.O. Mahendru, Dist - Patna - 800006 at present residing at Arfabad Colony, P.S. Alamganj, P.O. Gulzarbagh, Patna - 800007.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raghunath Prasad, son of late Hari Kishun Mahto, resident of Tulsi Mandi, P.S. Alamganj, P.O. Gulzarbag, Dist - Patna - 800007.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate.

For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 18-10-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint Case No. 595 of 2014 instituted for the offence under Section 406 of the Indian Penal Code and Section 138 of N.I. Act.

Learned counsel for the petitioner has submitted that he has already returned Rs.8,00,000/- in cash to the complainant for which the complainant has sworn an affidavit before Notary Public which has been enclosed as Annexure-3. The aforesaid affidavit bears the signature of the complainant stating that he has received the amount of Rs.8,00,000/- from the petitioner. It is further stated in the affidavit that a Cheque which was handed



over by the petitioner to the complainant has been kept somewhere and, therefore, the same could not be returned.

The counsel for the complainant has appeared and submitted that he denied the genuineness of the Annexure-3 and also his signature in Annexure-3.

In this manner, this Court finds after perusing of Annexure-3 that the complainant received the amount of Rs.8,00,000/- in cash from the petitioner. But in the Court, the complainant denies the genuineness of Annexure-3. Such dispute can only be looked into by way of taking civil remedy.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Complaint Case No. 595 of 2014, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City, subject to the conditions as laid down under Section 438 (2) 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.

S.Ali/-

(Sanjay Priya, J)

U		T	
---	--	---	--

