

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39513 of 2017

Arising Out of P.S.Case No. -21 Year- 2016 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Anil Kumar

.... Petitioner

Versus

State of Bihar & Anr

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Vasant Vikas, Advocate

For the Opposite Parties : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL ORDER

2 22-08-2017

Heard.

2. The petitioner apprehends arrest in connection with C.R.Case No.21 of 2016 pending in the Court of Judicial Magistrate, Ist Class, Madhubani registered for an offence under Sections 406 and 420 of the IPC and Section 138 of the NI Act.

3. The complainant has alleged that in course of transport business an amount of Rs.7,75,000/- fell dues against the accused persons for which a cheque was issued by the accused Kumar Vivek. The complainant presented the said cheque in bank which was dishonoured.

4. Learned counsel for the petitioner submits that the allegation of giving cheque is against Kumar Vivek. The petitioner is the father of said accused and so this petitioner is not responsible for dishonour of said cheque. He further submits that the allegation of cheating and committing breach of trust is vague



and no offence under Section 406 or 420 of the IPC is made out.

5. Learned APP as well as counsel for the Opposite Party No.2 opposed the submission.

6. On perusal of complaint petition, it appears that this petitioner runs a transport business. The said transport business is being carried out by this petitioner and his son Kumar Vivek. In course of transaction an amount of Rs.7,75,000/- fell due against the firm of this petitioner for which the son of this petitioner issued a cheque in favour of complainant which on presentation in bank bounced. It further appears that in course of business transaction, the son of the petitioner issued several cheques in favour of other transport agency which also bounced and as many as three criminal cases by different persons/transports were lodged against this petitioner and his son vide C.R.No.20 of 2016, Jai Nagar P.S.Case No.48 of 2016 and C.R.Case No.19 of 2016 for the offence under Sections 420 and 406 of the IPC and Section 138 of the N.I. Act.

7. Considering the specific allegation of cheating, committing breach of trust and also his antecedent of similar nature, I am not inclined to grant the anticipatory bail. Prayer is rejected

(Sanjay Kumar, J)

B.Kr./-

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