

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23959 of 2017

Arising Out of PS.Case No. -1538 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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Sangh Mitra Singh, Wife of Rajiv Ranjan Kumar Singh@ Rajiv Ranjan Singh Resident of Mitra Mandal Colony, Police Station- Gardanibagh, District- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Parvej Aalam, Son of Vikku Mallik Resident of Village- Bijaura, Police Station- Bhagwanganj, District- Patna.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

12 08-12-2017

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Compliant Case No. 1538 © of 2016, registered under Section 406 of the Indian Penal Code and Section 138 of the N.I. Act.

Accusation is that petitioner took friendly loan of Rs. 35 Lakhs in the year 2008 to the complainant Parvej Aalam with condition to return the same within six years, but petitioner did not return the said amount. On request by the complainant, petitioner issued the cheque No. 103947, dated 31.03.2016 of Rs. 35 Lakhs on 31.03.2016. Thereafter, complainant presented the said cheque for credit in his ICICI Bank account, but the said cheque was returned



with remark 'kindly contact drawer/drawee bank and present again'. Thereafter, complainant contacted drawer/drawee bank on 07.04.2016 and presented the cheque on 16.04.2016 then again cheque was returned with a note that "Kindly contact drawer/drawee bank and present again". Thereafter, informant sent legal notice on 23.04.2016 through registered post regarding dishonour of the cheque, but no reply was given by the petitioner.

Learned counsel for the petitioner submits that, in fact, on 09.09.2010, three cheques bearing Nos. 502, 471 and 478 of Canara Bank and one cheque of Central Bank was fallen in course of marketing. Thereafter, petitioner informed the matter to the Police Station, Beur, Patna on 09.09.2010. Further submission is that petitioner has never taken the loan. Further submission is that, in fact, missing cheque of Central Bank has come in the hand of complainant and the said cheque was misused by presenting the same in the Bank.

Learned counsel appearing on behalf of the O.P. No.2 submits that in the same complaint case the petitioner had preferred the Criminal Writ Jurisdiction Case No. 2257 of 2017 for quashing of the order of issuing bailable warrant of arrest and the said application was disposed of with direction to the petitioner to surrender before the court below on or before 5th January, 2018. As such, there is no occasion to the petitioner to press the present application.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his



arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No. 1538 (C) of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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