

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50125 of 2017

Arising Out of PS.Case No. -292 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Vishnu Dayal Paswan, S/o Late Ram Sewak Paswan,
2. Ram Singari Devi W/o Sri Vishnu Dayal Paswan, Both R/o Village-
Dayalpur, P.S.- Rajapakar, District- Vaishali, At present Alamganj, P.S.-
Alamganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Most. Anju Devi W/o Late Rabindra Prasad, R/o Durga Charan Lane,
Badi Patan Devi , P.S.- Alamganj, Post Guljarbagh, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Dipak

For the Opposite Party/s : Mr. Sri Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 19-12-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Complaint Case No.

292 of 2016 instituted for the offence under Sections-406, 420 of
the Indian Penal Code and 138 of N.I. Act.

There is allegation in the complaint petition that the
petitioner issued three cheques to the complainant dated 24-12-
2015, 21-12-2015 and 24-11-2015 total amounting to Rs.
2,50,000/- and when the complainant deposited the aforesaid
cheques in his account, the cheque bounced with endorsement of
stop payment.

In the complaint, it is alleged that the petitioner has



taken a loan amount from the complainant for marriage of his daughter after entering into agreement and in view of aforesaid amount, he has issued three cheques to the complainant dated 24-12-2015, 21-12-2015 and 24-11-2015 total amounting to Rs. 2,50,000/- which bounced when the same was produced by the complainant.

The defence taken by the petitioner is that cheque book of the petitioner was stolen for which, he has informed the bank on 03-02-2016.

This court is really surprised that how stolen cheque came in the possession of the complainant.

Counsel for the petitioner has submitted that he is ready to give money in three installments to the complainant.

In such circumstances, this petition is disposed off with direction to the petitioner to surrender in the court below within four weeks from the date of receipt of copy of this order along with receipt showing payment of first installment of Rs. 50,000/- by demand draft and on producing such receipt, he will be enlarged on provisional anticipatory bail for six months in Complaint Case No. 292 of 2016 to the satisfaction of court concerned, and thereafter, he will make payment of remaining amount in four further installments amounting to Rs. 50,000/- each



and after making payment of entire amount to the complainant, the provisional bail granted to the petitioner will be confirmed.

It is made clear that in the event the petitioner does not surrender along with receipt showing payment of first installment or makes any default in making payment of installment, the court below will be entitled to pass appropriate order including cancellation of provisional bail of the petitioner.

The payment of amount by the petitioner to the complainant will be subject to final decision of the case.

(Sanjay Priya, J)

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