

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24037 of 2017

Arising Out of PS.Case No. -174 Year- 2016 Thana -DANAPUR District- PATNA

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Dr. Manishankar Chaudhary Son of Late Bishwanath Chaudhary resident of village - Faridabad, P.S. Sonepur, District - Saran at Chapra, At present Jahuri Bazar, P.S. Hajipur Town, District - Vaishali at Hazipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Raj Kumar Sao, S/o Bhagwan Sao, R/o Bibiganj, P.S. Danapur, Dist. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niraj Kumar

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

7 10-01-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in connection with Danapur P.S. Case No. 174 of 2016 registered under Sections 406, 420 of the I.P.C. and 138 of the N.I. Act pending in the Court of A.C.J.M., Danapur.

Earlier, prayer of the petitioner for bail was rejected by this Court vide Cr. Misc. No. 14270 of 2017 on merit.

Submission of learned counsel for the petitioner is that on 23.08.2017, petitioner has already paid Rs. 2,00,000/- to the opposite party by way of Bank Draft in Court and ready to pay Rs. 6,00,000/- in three months. On 13.12.2017, petitioner has also



handed over a post-dated Cheque of Rs. 5,00,000/- in favour of opposite party, but the payment could not be made. Now, he is ready to pay the remaining amount.

Learned counsel appearing on behalf of the opposite party no. 2 vehemently opposed the prayer of the petitioner by contending that petitioner repeatedly committed fraud. He made payment through Cheques of different dates but the said Cheques bounced due to insufficient funds. Hence, he does not deserve anticipatory bail.

Considering the aforesaid facts and circumstances of the case and nature of the allegation, I am not inclined to allow the prayer of the petitioner for anticipatory bail. Accordingly, the prayer of the petitioner for bail is rejected.

However, liberty is granted to the petitioner that if he makes payment of the remaining amount of Rs. 6,00,000/- through Bank Draft within a period of three months from today and files an affidavit in the Court below along with the application for bail, the Court below may release him on bail.

(Arvind Srivastava, J)

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