

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13494 of 2018

Arising Out of PS. Case No.-1105 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Prashant Kumar Mishra, son of Sh. Shankar Mishra, Resident of Flat No. 214
Kashyap Ramwatar, Ram Nagari Road, Police Station- Rajeev Nagar,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Shanti Dubey, wife of Dr. Madan Dubey, Resident of Friends Colony
Main Road (Ashiyana AG Colony Road), Post- Ashiana Nagar, Police
Station- Rajeev Nagar, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar
For the Opposite Party/s : Mr. Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 19-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is apprehending his
arrest in connection with Complaint Case No. 1105(C) of 2016
for offences under sections 420 of the Indian Penal Code and
Section 138 of the Negotiable Instrument Act.

The present matter relates to the fact that the
petitioner has given a cheque of Rs. 30,000/-, when it was
deposited in the Bank, the same returned bounced for which the
present complaint has been lodged.

Learned counsel for the petitioner submits that he
has given the money in cash to the opposite party no.2 but, the



opposite party no.2 has seriously opposed the payment of cash amount, whereafter, learned counsel for the petitioner submits that admittedly Rs. 1 lac is lying with the opposite party no.2 as an advance amount and she can adjust Rs. 30,000/- from the same.

Learned counsel for the opposite party no.2 submits that today the forged and fabricated document in the shape of receipt has been filed showing an amount of Rs. 10 lac is lying with the opposite party no.2 having been said that it is a fabricated document and no such money is lying with the opposite party no.2.

This dispute is not before this Court about the amount of money lying with the opposite party no.2 rather is confined to the cheque which has been returned bounced and this Court in the bail application will not resolve the dispute. However, the opposite party no.2 will be at liberty to settle the score in accordance with law.

Looking to the entire facts and circumstances of the case, let the petitioner, namely, Prashant Kumar Mishra, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on 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 III, Patna in connection with Complaint Case No. 1105 (C) of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shivaji Pandey, J)

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