

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11436 of 2018

Arising Out of PS.Case No. -29777 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Rajeev Kumar, son of Basudeo Rai, Resident of Mohalla- New Jakkampur, B.K. Datta Lane, P.S.- Jakkampur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ramjee Tiwari, S/o Late Gauri Shankar Tiwari, Resident of Village+ P.O.+ P.S.- Murar, District- Buxar. At Present H/o Sri Vidyanand Tiwari, Mohalla- Yarpur Jogiatali, P.S.- Gardanibag, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh No-10

For the Opposite Party/s : Mr. Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 27-02-2018 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No.29777(c) of 2014 registered under Sections 406, 420, 467, 468, 471, 386, 195(A) of the Indian Penal Code and Section 138 of the N.I.Act.

The complainant alleged that the petitioner entered into an agreement and executed a deed of agreement to sale after receiving Rs.16,50,000/- from the complainant but later on it transpired that the land does not belong to the petitioner. The petitioner issued cheques but the cheques were dishonoured.

The learned counsel for the petitioner submits that



earlier complaint case No.28589 of 2014 was filed for dishonouring the cheques of Rs.5 lacs in which the petitioner has already been enlarged on anticipatory bail. Again the present complaint petition was filed for dishonouring of remaining cheques. The petitioner has paid some of the dues lying against him and he undertakes to pay the remaining amount.

On the other hand, learned counsel for the complainant vehemently opposed the prayer for anticipatory bail of the petitioner.

On same and similar facts arising out of same agreement to sale, the complainant filed two complaint case in the first complaint case bearing complaint case no.28589 of 2014, the petitioner has already been granted anticipatory bail. Thereafter when the remaining cheques were dishonoured the petitioner filed the present compliant case.

Taking into consideration the facts aforesaid, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order is directed to be enlarged 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 Chief Judicial Magistrate, Patna in



connection with Complaint Case No.29777(c) of 2014, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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