

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51870 of 2017

Arising Out of PS.Case No. -1216 Year- 2016 Thana -GAYA COMPLAINT CASE District- GAYA

1. Baban Kumar, S/o Chhabila Singh, resident of Mohalla- Dalmiya
Compound, Lakhibag, P.S.- Muffasil, (Manpur), District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Neelam Kumari, wife of Abhay Nandan Kumar, resident of Mohalla-
Maranpur By Pass Road, P.S. - Bishunpad, District- Gaya.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

Mr. Ajeet Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4/ 19-02-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in **Complaint Case No.1216 of 2016** instituted for the offence under Section(s) 420 Indian Penal Code and Section 138 of the Negotiable Instruments Act pending in the Court of the **Chief Judicial Magistrate, Gaya.**

Counsel for the Opposite Party No.2 has submitted that processes under Section 82-83 Cr. P.C. has already been issued against the petitioner.

There is allegation in the Complaint Petition that the petitioner and other accused persons have committed cheating with the Complainant on pretext of giving flat to her. The



Complainant gave rupees six lac fifty one thousand to the petitioner and other accused persons as named in the Complaint Petition, but the flat was not handed over. Then the Complainant was informed that a new project, namely, Grih Pravesh, has been started and they have transferred the amount in that project, but that statement was also false. It is further alleged that three cheques total amounting to rupees six lac fifty one thousand were issued in favour of the Complainant signed by Ajay Kumar Sinha and Director Shishir Srivastava. When the cheques were deposited in the bank for encashment, same were dishonoured due to insufficient fund.

In view of serious allegation against the petitioner and also that processes under Section 82-83 Cr. P. C. have already been issued against him, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is **rejected**.

Petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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