

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37601 of 2018

Arising Out of PS. Case No.-2251 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Upendra Kumar S/o Sri Rajendra Jaiswal, R/o Mohalla- Maroofganj,
Dalhatta, P.S.- Malsalami, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sunil Kumar Jaiswal S/o Late Lal Babu Jaiswal, R/o Mohalla- Kurji, Magadh
Colony, Near Bhageda Ashram, P.S.- Digha, District- Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arjun Kumar

For the Opposite Party/s : Mr. Abhay Kumar - 1

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 06-07-2018 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. 2251 (C) of 2016
registered for offences under sections 406 and 420 of the Indian
Penal Code and Section 138 of the N.I. Act.

An allegation has been made that the Complainant
had given Rs. 2 lacs to the petitioner as loan. It is alleged that
the petitioner gave two cheques to the Complainant. When the
Complainant submitted the aforesaid two cheques in the bank,
the same got bounced due to insufficient fund.

Learned counsel for the petitioner submits that the



story that has been mentioned in the complaint petition is completely false as it is the petitioner who had given money to the son of the Complainant who is doing his study in South India, the petitioner had given cheque requesting him not to put the cheque in the bank for withdrawal of money without his prior permission but, the Complainant submitted the cheques in the Bank which got bounced and to get the money, the present case has been lodged against the petitioner.

Learned counsel for the petitioner submits that the petitioner is ready to deposit the said amount of Rs. 2 lacs in the court below but, in four equal installments within a period of four months and the first installment, he will deposit within three weeks from today and, thereafter, in a gap of one month, he will deposit the rest of the installments in the court below.

If the petitioner deposits the money that will be invested at proper place to earn the interest amount and who will succeed in the litigation, the court below will release the money in his favour.

In view of the aforesaid condition, let the petitioner, above named, 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 Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No. 2251 (C) of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

(Shivaji Pandey, J)

rishi/-

U		T	
---	--	---	--

