

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33813 of 2018

Arising Out of PS.Case No. -100 Year- 2017 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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1. Moti Lal Singh S/o Late Ram Jit Singh, R/o Mohalla- Gajadhar Ganj,
Buxar, P.S.- Buxar Town, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Sewak Rai S/o Late Brij Lal Rai, R/o Bazar Samiti Road, Mahatma
Gandhi Nagar, P.S.- Buxar (T), District- Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha

For the Opposite Party/s : Mr. Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 18-08-2018 Heard learned counsel for the petitioner, the
complainant as well as the State.

The petitioner apprehends his arrest in Complaint
Case No. 100(C)/2017, instituted for the offences punishable
under Section 406 of the Indian Penal Code read with Section 138
of the N.I. Act.

It is alleged in the complaint petition that the
complainant gave Rs. 4 lacs as a loan to the petitioner with
promise to return the same. The money was not returned even
after lapse of one year. The petitioner issued a cheque of Rs. 4 lacs
to the complainant on 22.12.2016 and when the same was
deposited in Bank it bounced due to insufficient fund.



In terms of order dated 05.07.2018, the petitioner agreed to make payment of Rs. 1 lac within a period of four weeks but the money has not been paid by the petitioner even after lapse of more than one month.

From the allegation in the complaint petition as well as conduct of the petitioner, it appears that the petitioner has no intention to return money taken from the complainant for which he had issued a cheque also, which got bounced in the year 2016 itself.

Considering the aforesaid facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

The petitioner is directed to surrender before the Court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, which shall be considered on its own merit without being prejudiced by this order.

(Sanjay Priya, J.)

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