

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31395 of 2018

Arising Out of PS.Case No. -805 Year- 2017 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Surya Prakash S/o Subodh Narayan Poddar , R/o Mohalla- Bahadurpur
Ward No.6, P.S.- Samastipur (Town), District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vijay Sah S/o Jang Bahadur Sah, R/o Vill.- Bahadurpur Near Shiv Durga
Mandir, Ward No. 25, P.S.- Samastipur, (Town), District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh

For the Opposite Party/s : Mr. Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 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. 805/2017, instituted for the offences punishable under
Sections 406 and 420 of the Indian Penal Code read with Section
138 of the N.I. Act.

In the written report, it is alleged that this petitioner
took an amount of Rs. 4 lacs as loan from the complainant for
business on 14.09.2016 with promise to return the same, but the
petitioner did not return money. When the complainant demanded
his money, the petitioner gave a cheque of Rs. 4 lacs. When the
aforesaid cheque was deposited in the Bank, it got bounced.



Thereafter, the petitioner did not make payment of the amount and committed cheating with the complainant.

Learned counsel for the petitioner has submitted that in fact the petitioner had taken Rs. 2 lacs on interest from son of this complainant and entered into an agreement, copy of agreement paper is at Annexure -2 to the bail petition. The supplementary affidavit has been filed on behalf of the petitioner mentioning that in compliance of aforesaid agreement, the petitioner had issued blank cheque by way of surety to the son of complainant and even after full payment, the said cheque was not returned to the petitioner. Further it has been submitted that no case under Sections 406, 420 of the Indian Penal Code is made out against this petitioner.

Learned counsel for the complainant has submitted that it is only a defence made by the petitioner in order to misappropriate the money of complainant.

Considering the specific allegation against the petitioner of issuing cheque of Rs. 4 lacs, which got bounced, 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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