

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7131 of 2018

Arising Out of PS.Case No. -56 Year- 216 Thana -BUXAR District- BUXAR

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Deo Kumar Choudhary S/o Shiv Shankar Choudhary, R/o Village-Charitrawan, Buxar, P.S.- Buxar (T), District- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 17-02-2018 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Buxar (T) P.S. Case No.56 of 2016 registered under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner and informant both were doing business as partner and the dispute arose between the two partners which led to filing of the present case. Learned counsel submits that the cheque in question was issued in the year 2014, however, the present case has been lodged only in the year 2016 which itself indicates that the case has been filed only by way of an after thought. He has also produced a photo copy of the plaint giving rise to Title Suit



No.445 of 2016 filed by the informant against this petitioner wherein he has prayed for money decree of Rs.11 lacs.

Learned A.P.P. for the State has opposed the application for grant of anticipatory bail and submits that it is well settled by judicial pronouncement of the Apex Court that in a particular facts and circumstances both civil and criminal proceeding can go together. It is submitted that the petitioner has got criminal antecedent inasmuch as there is three cases on his head as stated in paragraph-3 of the application.

Considering the facts and circumstances particularly that the petitioner had issued a cheque of Rs.5.5. lacs as alleged and then he has got criminal antecedent, I am not extending the privilege of anticipatory bail to the petitioner.

Accordingly, this application is dismissed. Petitioner, if so advised, may surrender in the court below within four weeks and pray for regular bail, which will be considered by the court below without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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