

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60691 of 2018

Arising Out of PS.Case No. -2284 Year- 2017 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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Shambhu Kumar Choudhary Son of Late Yogeshwar Choudhary, Resident of Village- New Bombay Dyeing Garments, Mohiuddinnagar, Ward No. 3, P.S. Mohiuddinnagar, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sunar Devi, wife of Late Wakil Sahani, Resident of Village- Amthama (Sitalpur) Panchayat Marui, P.S. Patepur, District- Vaishali, at present Resident of Village- Bahasi, P.O. Harpur, Vindi, P.S. Tajpur, District- Samastipur.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Deepak Kumar Singh

For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Complaint Case No. 2284 of 2017 in which cognizance has been taken for the offences punishable under Sections 420, 406 of the Indian Penal Code and Section 138 of N.I. Act.

The accusation against the petitioner is that he issued three cheques of Rs. 80,000/- each to the complainant but all the aforesaid cheques became dishonored.

Submission on behalf of the petitioner is that the



petitioner deposited Rs. 80,000/- in the account of the complainant through RTGS and as a matter of fact, the remaining amount was not paid to the petitioner by the company as a result of which petitioner could not give the remaining amount to the complainant. However, learned counsel for the petitioner submits that petitioner is ready to give Rs. 1,60,000/- to opposite party no. 2 (complainant) within four months.

Learned counsel for opposite party no. 2 frankly accepted this fact that Rs. 80,000/- was credited in the account of opposite party no. 2 but submits that aforesaid amount was credited in the account of opposite party no. 2 for another work and as a matter of fact, the aforesaid amount has no concern with the facts of the present case.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Samastipur in Complaint Case No. 2284 of 2017 subject to conditions as laid down under Section 438(2) of



the Cr.P.C. and furthermore, subject to condition that petitioner shall deposit Rs. 1,60,000/- in the account of opposite party no. 2 within four months, failing which the learned trial court shall cancel the bail bonds of the petitioner.

In the aforesaid manner, this petition stands disposed of.

(Hemant Kumar Srivastava, J)

SHAHZAD/Abhijeet-

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