

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71820 of 2018

Arising Out of PS. Case No.-274 Year-2018 Thana- AHIYAPUR District- Muzaffarpur

Sanjay Kumar, Son of Shankar Prasad, Resident of Village/Mohalla- Krishna Toli, Ward No. 2 P.S.- Brahmpura, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr. Umeshnand Pandit

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406, 420 and 138 of the N.I. Act.

The prosecution case got initiated with the fardbeyan of Bikrant Kumar Shukla, Manager of IT Memorial Hospital Suviksha Health Care Pvt. Ltd. submitted to SHO, Ahiyapur police station to the effect that Chinta Devi wife of Uma Shankar Prasad Gupta was treated in the hospital of informant from 27.01.2017 to 19.02.2017 as she was suffering from some heart ailment. On 19.02.2017 when she was being discharged from the hospital, a total bill of Rs.2,01,920/- was raised, out of which Rs.49,920/- was deposited by the petitioner being the care taker of Chinta Devi and he handed over a cheque of



Rs.1,52,000/- on behalf of the patient Chinta Devi. When the Management of the hospital refused to accept the cheque, then on the request of some neighbouring people, the patient was discharged. Subsequently, the cheque got dishonoured and when the informant demanded the remaining amount, the same was not returned.

It is submitted by learned counsel for the petitioner that the petitioner is the care taker of the patient Chinta Devi, hence petitioner is not liable to make payment. However the petitioner, subsequent to the lodging of the case, deposited Rs.51,983 in the hospital and thereafter Rs.1,00,000/- was given in cash to the informant. It is further submitted that no offence under Section 138 of N.I. Act is made out against the petitioner since the cheque was issued by the patient Chinta Devi.

Learned APP submits that the petitioner deliberately issued the cheque knowing full well that there is no money in the bank account.

Considering the fact that the cheque which got dishonoured was issued by the patient Chinta Devi, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned CJM, Muzaffarpur
in connection with Ahiyapur P.S. Case No.274 of 2018 subject
to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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