

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.899 of 2018

Arising Out of PS. Case No.-3150 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Sunil Kumar S/o Niwas Sharma, R/o E-1/9m, Jaiprakash Nagar, Digha, P.S.-
Digha, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Santosh Abhay S/o Sri Devendra Singh, R/o 410, Verma Centre, Boring
Road, P.S. S.K. Puri, P.O.-G.P.O., Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma

For the Opposite Party/s : Mr. SRI DINESH SINGH

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-02-2018 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Complaint Case No. 3150(c) of 2016 registered
for the offence punishable under Section 406 of the Indian Penal
Code and Section 138 of the Negotiable Instrument Act.

The allegation is regarding the petitioner herein having
taken a friendly loan of Rs. Five lakh from the complainant of
the present case and upon being told to return the same, he had
returned a sum of Rs. One lakh by way of a cheque but when
the same was deposited in the bank, the same got bounced.

The learned counsel for the petitioner submits that the



petitioner is ready to return the amount of Rs. One lakh which is the amount of the cheque which has bounced. It is further submitted that as regards the balance amount since there is an agreement, the subject matter pertains to the jurisdiction of a civil court and the complainant is free to approach a competent court of civil jurisdiction.

Having regard to the facts and circumstances of the case, I direct that the petitioner should deposit a sum of Rs. One lakh with the Nazarat of the concerned court within four weeks from today and thereafter surrender before the court below whereupon the petitioner shall be admitted to the privilege of anticipatory bail.

Accordingly, I direct that upon deposit of the aforesaid amount of Rs. One lakh and surrendering before the court below within a period of four weeks from today, the petitioner above named, shall be admitted to the privilege of anticipatory bail, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna in connection with Complaint Case No. 3150(c) of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



It is further directed that in case the complainant approaches the concerned court for withdrawal of the aforesaid sum of Rs. One lakh, the same would be paid to him.

(Mohit Kumar Shah, J)

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