

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3288 of 2018

Arising Out of PS.Case No. -201 Year- 2016 Thana -BUXAR INDUSTRIAL District- BUXAR

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1. Vinod Keshari @ Vinod Kumar Keshari @ Vinod Kumar, son of Shri Shivjiwan Prasad Keshari @ Shivjiyawan Prasad Keshari, resident of village- Golgadda, P.S. Aadampur, (Jaitpura), District Varanasi (U.P.).
..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Prasad, Advocate

For the Opposite Party/s : Sri Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 06-03-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Buxar (Industrial) P.S. Case No.201 of 2016** instituted for the offence under Section(s) 406, 420 Indian Penal Code.

Counsel for the petitioner has submitted that no cheque or cheque return memo has been enclosed with the Complaint Petition. This fact has been taken into consideration by the learned Additional Sessions Judge in the impugned order.

It is alleged in the Complaint Petition, which was sent to P.S. under Section 156(3) Cr. P.C., that the petitioner has taken loan of rupees six lac from the informant and on demand he issued cheque of rupees one lac in favour of the informant. Aforesaid cheque was presented by the informant in the bank, but



the same bounced with report that account has already been closed.

Counsel for the petitioner has pointed out that in the legal notice, which is part of the Complaint Petition, the informant has made reference of cheque issued on Bank of India in his favour by the petitioner, whereas, in the Complaint Petition, he has mentioned that the cheque was drawn on IndusInd Bank by the petitioner in favour of the informant. It has further been submitted that, in fact, the petitioner has never issued any cheque in favour of the informant.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Buxar (Industrial) P.S. Case No.201 of 2016**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Buxar**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date



fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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