IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7372 of 2018

Arising Out of PS. Case No.-560 Year-2002 Thana- MUNGER COMPLAINT CASE District- Munger

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Sanjay Gupta S/o Late Dashrath Kumar Gupta, Ex-Managing Director, J.M.D. Alloys Limited, Usha Complex, Kankarbagh Road, Patna-800020 (Bihar) At present Residing At D3/A, Pushp Vihar, Exhibition Road, P.S.- Gandhi Maidan, District- Patna (Bihar).

... ... Petitioner/s

Versus

1. The State of Bihar.
2. Punam Singh @ Guriya W/o Late Subhash Kumar Verma @ Deepak, R/o Maksuspur, P.S.- Kasim Bazar (Kotawali), District- Munger (Bihar).

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Giri

For the Opposite Party/s : Mr. Md. Sufiyan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

8 20-09-2018 Heard learned counsel for the petitioner and learned APP for the State. No body has appeared on behalf of the informant in spite of valid service of notice.

The petitioner is apprehending his arrest in a case registered under Sections 406, 420, 465, 467, 468, 471 of the Indian Penal Code and Section 138 of the N.I. Act in which cognizance has been taken under section 138 of N.I. Act and Sections 406 and 420 of the Indian Penal Code.

The prosecution allegation case, in short, is the cheque issued to the husband of the complainant by the accused persons was dishonoured by the bank on account of insufficiency of funds.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Prior to the institution of the present complaint, a police case was instituted by the petitioner in respect to theft of the cheque in question. Charge-sheet was submitted after investigation by the police. Cheque in question has been signed by the father of the petitioner and during the pendency of the trial, father of the petitioner expired. He could not be examined during the trial and the said criminal case ended in acquittal. The petitioner is not signatory of the cheque in question. The cheque in question itself is in dispute as to whether it was issued by the father of the petitioner or after the theft being made, it has been misused by the complainant. It is further submitted on behalf of the petitioner that the petitioner is ready to deposit an amount of Rs. 7 lakhs in the Court below for the purpose of bail which shall be subject to the final disposal of the case.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. He is one of the directors of the company.

Considering the aforesaid facts and circumstances, in the event, the petitioner deposits a sum of Rs.7 lakhs (seven lakhs) in the Court below, which shall be subject to final disposal of the case, within a period of six weeks from today, he shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-IInd Class-cum- Additional Munsif-VIII, Munger in connection with Complaint Case No. 560(C)/2002, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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