

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51210 of 2017

Arising Out of PS.Case No. -565 Year- 2017 Thana -PATNA COMPLAINT CASE District-
PATNA

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Ramesh Kumar, Son of Radha Raman Das, Managing Director of Tanadi Construction Pvt. Ltd. at present Resident of Flat No. 402, Sobha Apartment (Opposite of Dr. Ajit Kumar Mishra), Gorakh Nath Lane, Sri Krishnapuri, Police Station- Sri Krishnapuri, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Md. Shamshad Alam, Son of Late Junab Ali, resident of H/O Sayad Imam Ahmad, Darulman, North of Danish Apartment, Samanpura, Raja Bazar, Police Station- Gardanibagh, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Complaint Case No. 565 (C) of 2017 instituted for the offence under Sections 138 of the Negotiable Instrument Act and Section 420/34 of the IPC.

Learned counsel for the petitioner has submitted that for investment made by the complainant, the petitioner gave four security cheques to him with understanding, that the said four cheques of Rs. 17,00,000/- shall be returned to the petitioner by the complainant after receiving payment from the petitioner. Counsel for the petitioner has submitted that as mentioned in para 8 of the petition, he has made repayment towards investment made by the complainant by various cheques amounting of Rs.



31,50,000/-.

Learned counsel for the complainant does not deny about receiving of aforesaid amount. He has further stated that the cheques of Rs. 17,00,000/- were given by the petitioner as share of profit after agreement between the parties.

Learned counsel for the petitioner has submitted that the project is still to be finalized. The share of profits is still to be decided. Therefore, four cheques were given as a security cheque to the complainant by the petitioner. The complainant has not returned these cheques to the petitioner on the pretext of misplaced or lost. These cheques were produced by the complainant for encashment after filling therein date and amount as per his convenience and the informant got them dishonoured with a view to implicate the petitioner in this case. It is submitted that no case under Section 406 of the IPC is made out as per allegation in the complaint petition.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection



with Complaint Case No. 565(C) of 2017 to the satisfaction of learned A.C.J.M., Patna subject to condition as laid down u/S 438 (2) of the 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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the 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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