

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26356 of 2018

Arising Out of PS.Case No. -97 Year- 2018 Thana -AURANGABAD COMPLAINT CASE District-
AURANGABAD

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Dhananjay Prasad @ Dhananjay Prasad Gupta, S/o Late Krishna Murari
Prasad R/o Village Dumri, P.S. -Amba, District - Aurangabad.

.... Petitioner

Versus

1. The State of Bihar.

2. Sunil Kumar Sharma S/o Nand Kumar Sharma R/o Mohalla Krishna
Nagar, P.S. Aurangabad (T), District - Aurangabad.

.... Opposite Parties

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Appearance :

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

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 03-05-2018

Heard learned counsel for the petitioner and learned
counsel for the complainant, who has appeared *suo motu*.

The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 97 of 2018 registered under Sections
420, 504, 506 of the Indian Penal Code and Section 138 of the
Negotiable Instruments Act.

It is submitted by the learned counsel for the
petitioner that even if the entire allegation made in the complaint
is taken to be true, none of the ingredients of the offences



punishable under Sections 420 and 406 of the Indian Penal Code would be attracted. It is further contended that all other sections under which cognizance has been taken are bailable in nature.

On the other hand, learned counsel for the complainant submitted that it is a case of dishonour of a cheque amounting to Rs.9,90,000/-. The said amount was taken by the petitioner as friendly loan on assurance that he will return the same within 3-4 months as he needed the money for revival of his business.

Be that as it may, considering the submissions made on behalf of the parties, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Complaint Case No. 97 of 2018 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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