

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.760 of 2018

Arising Out of PS.Case No. -1223 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Mahesh Prasad S/o Late Ram Ratan , R/o Mohalla- Ashok Nagar Road No.
14, Ratan Complex, Kankarbagh, P.S.- Kankarbagh, Distt.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Chandra Shekhar Kumar S/o Lalan Yadav, R/o Mohalla- Nand Lal
Chapra, P.S.- Ram Krishna Nagar, Distt.- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-03-2018 Heard the learned counsel for the petitioner and the

learned counsel for the State.

The petitioner seeks anticipatory bail in connection
with Complaint case no. 1223 (C) of 2015 registered for the
offences punishable under Sections 406 of the Indian Penal Code
and Section and 138 of the N.I. Act.

The allegation is regarding the petitioner herein having
taken a sum of Rs. 11 lakhs by way of loan, however, he refused
to return the same and subsequently a cheque of Rs. 3 lakhs was
given on 30.11.2014, however, the same got bounced on account
of insufficient funds in the account of the petitioner herein.

The learned counsel for the petitioner submits that at best
the present case can be said to be a case of civil dispute and the



informant has remedy, if any, before the competent court of civil jurisdiction. It is further submitted that the present case has been filed in a mala fide manner only after filing of the case by the petitioner herein against the complainant and one other accused person.

This Court by an order dated 12.1.2018 had issued notice to the complainant/ Opposite Party No.2 and the office note shows that the notice has been duly served on the Opposite Party No.2, but he has chosen not to appear before this Court for the reasons best known to him.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioner above named is directed to be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Patna in connection with Complaint Case no. 1223 (C) of 2015, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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