

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57306 of 2018

Arising Out of Complaint Case No.-614 Year-2017 District- Rohtas

Shiv Shankar Singh son of Ghurhu Singh R/o Village Kaser, P.S. Bhagwanpur, District Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anup Kabiraj son of Sunil Kabiraj R/o Village Alagarh, P.S. Bhaganpara, District Vardhman, W.B. at present Manager, Nexex Well Hope Agirtake, International Lmt. Branch Sasaram, Beda Surya Mandir, P.S. Sasaram, Distt. - Sasaram at Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 11-12-2018 Heard the learned counsel for the petitioner, the informant and the State.

The petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 614 of 2017 dated 15.07.2017 in which cognizance has been taken under Sections 406 and 138 of the Negotiable Instruments Act.

Learned counsel for the petitioner has submitted that there was a business agreement between the petitioner and the complainant/Opposite Party No. 2 and prior to the lodging of the present complaint, the petitioner also had filed a compliant against the Opposite Party No. 2. Though, the



impugned order as well as the memo of petition are absolutely unintelligible to this Court but with some difficulty, this Court has been able to garner the following facts:

Under an agreement, chicken seeds were given to the petitioner for him to keep it in a safe place till the time the chicken grew. According to the agreement, after the growth of the chicken, it had to be returned to the complainant. The complainant has alleged that those were sold for consideration. A different story has been propounded by the petitioner in his complaint petition against Opposite Party No. 2, which has been annexed with this petition as Annexure – 2.

What can be culled out from Annexures – 1 and 2 is that there is a business dealing between the petitioner and Opposite Party No. 2. The second aspect of the matter is that in the event of the cheque of the petitioner having bounced, the Court below has taken cognizance under Section 138 of the Negotiable Instruments Act.

Under the aforesaid circumstances, I am not inclined to grant anticipatory bail to the petitioner.



In case the petitioner wishes to settle the dispute with the complainant, he may do so and after the settlement is arrived at, he may approach the court below and seek regular bail.

With the aforesaid direction, this petition is dismissed.

(Ashutosh Kumar, J)

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