

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.20821 of 2018**

Arising Out of PS.Case No. -58 Year- 2010 Thana -PATNA COMPLAINT CASE District- PATNA

=====

Mr. Amit Godha S/o Kailash Chand Godha, House No. 7, Nema nagar,  
P.S.- Nema Nagar, Kesharbagh Road, District- Indore, Madhya Pradesh and  
earlier was R/o Plot No.-335, Sector -I, Pithampura, P.S.- Dhar Town,  
District- Dhar, Madhya Pradesh -454774.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Birendra Kumar S/o Madandhari Sharma, R/o N/24, Near  
Chitraguptanagar, professor Colony, P.S.- Patrakarnagar, Kankarbagh,  
Patrikarnagar, Distt.- Patna-800020.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Kuldeep Sahay

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

=====

**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**

**ORAL ORDER**

2      03-05-2018                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

Petitioner apprehends arrest in connection with  
Complaint Case No.58C of 2010 registered for the offences  
under Sections 406 and 420 of the Indian Penal Code and Section  
138 of N.I. Act.

It is alleged that the petitioner had issued two cheques  
each for Rs.30,000/- (a total sum of Rs.60,000/-) in favour of the  
complainant but the cheques were presented before the Bank,  
where it bounced.

It has been submitted that the entire amount of



Rs.60,000/- which was given to the complainant through cheques have been returned and credited in the account of complainant. The complainant after receiving the said amount, could not withdraw the complaint and stopped taking interest in the instant complaint case. The allegation of cheating is omnibus and no offence under Section 420 of I.P.C. is made out.

The learned A.P.P. for the State opposed the submission.

Considering the facts and circumstances of the case, the prayer for anticipatory bail is allowed and the above named petitioner, in the event of arrest or surrender before the learned court below within six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the likewise amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Patna in connection with Complaint Case No.58 of 2010 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

**(Sanjay Kumar, J)**

Harish/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

