

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9511 of 2019

Arising Out of PS. Case No.-1943 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Mukesh Kumar Son of Shambhu Sharan Prasad Resident of - Mohalla-
Balanwa Motihari, P.S.- Town (Motihari), District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar and Anr Bihar
2. Md. Farhan Alam Son of Md. Aftab Alam, Resident of Village- Khuda
Nagar, P.S.- Town (Motihari), District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 24-04-2019 Heard the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.2104 of 2012 registered for offences punishable under Sections 420 and 406/34 of the Indian Penal Code .

Allegation as per the complaint petition is that the accused persons persuaded the complainant to deposit the amount in the Real India Branch and on that he has deposited in total Rs.9,90,000/- but on demand they refused to pay the amount on one plea or another and later on two cheques were issued on 28.7.2017 of Rs.3,54,000/- each i.e. total Rs.7,08,000/- and when the same was produced in the bank, it has been returned



with notings “Insufficient amount”.

Submission of the learned counsel for the petitioner is that as per the complaint petition, two cheques were issued by one Pradeep Gupta and not by the petitioner, who is Area Manager of the Company and another co-accused person has been granted bail by a Co-ordinate Bench of this Court, vide order dated 1.4.2019 passed in Cr. Misc. No.18824 of 2019.

Heard learned A.P.P. and the learned counsel for the complainant. They have opposed the prayer for bail on the ground that the petitioner is the Area Manager of the Company and the persons who have been granted anticipatory bail are agent of the company and there is no allegation against him of taking money, as such considering the same, the anticipatory bail has been granted to him, as such the case of the petitioner is not similar to the case of other accused person.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned court below within a period of six weeks from the date of order and make prayer for regular bail, which will be considered by the learned court below without being prejudiced by the order of this Court.



With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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