

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10778 of 2019

Arising Out of PS. Case No.-2598 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Rita Devi @ Rita W/o Sri Kumar Rajiv
2. Kumar Rajiv S/o Sri Sushil Kumar Chaturvedi
Both resident of Flat No. 101, Shail Niwas Apartment, Kalimandir Road,
Hanuman Nagar, P.S-Patrakar Nagar, District- Patna
- Petitioner/s
- Versus
1. The State of Bihar
2. Banwari Singh S/o Late Hari Singh, permanent resident of village -Panki,
P.O and P.S-Silao, District- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Verma
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 3 26-04-2019 This is an application for grant of anticipatory bail in connection with Com. Case No. 2598 (c) of 2016, disclosing offences under Sections 420, 406, 120B of the Indian Penal Code and Section 138 of the N.I. Act.

Allegation against the petitioners is that they have taken loan of Rs. 4,00,000/- from the complainant and in lieu of that they have given a cheque and on production, the cheque has bounced and as such they have intentionally given a cheque which has bounced.

Submission of learned counsel for the petitioners is that in this case the complainant has not been examined and



furthermore, the petitioner has given a cheque for L.I.C. policy and that has been used by the complainant by producing the same in the bank and the allegation is false and concocted. So far issuance of cheque is concerned, even according to the complaint petition is against petitioner no.2.

Heard learned A.P.P. as well as learned counsel for the complainant, they have opposed the prayer for anticipatory bail of the petitioner on the ground that at the time of filing of complaint petition he was authorized and thereafter cognizance has been taken and so far the plea that the petitioner has given a cheque for insurance policy does not appear to be believable as no complaint petition has been lodged by the petitioner for same.

Having heard both sides, so far petitioner no.2 is concerned, allegation of issuance of cheque is against him, as such, I am not inclined to grant anticipatory bail to him, rather he should surrender and make prayer for regular bail, which will be considered on the basis of materials available on record.

So far petitioner no.1 is concerned, she is being a lady, let the petitioner no.1, above named, in the event of her arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees



Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M, Patna in connection with Com. Case No. 2598 (c) of 2016, subject to that condition that laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, this application is disposed of.

(Vinod Kumar Sinha, J)

Amjad/SKSuman.

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