

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31861 of 2019

Arising Out of PS. Case No.-1307 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

-
1. VIKASH KUMAR S/o Late Rajendra Prasad R/o Village- Deodharpur, P.S.- Tekari, District- Gaya
 2. Vivek Kumar S/o Late Rajendra Prasad R/o village- Deodharpur, P.S.- Tekari, District- Gaya

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Navin Kumar Sinha S/o Late Rambilash Lal R/o village- Deodharpur, P.S.- Tekari, District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarendra Kumar Mishra
For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

8 20-09-2019 This application, for grant of anticipatory bail, arises out of Complaint Case No. 1307 of 2017, disclosing offences under Sections 420 of the Indian Penal Code and Section 138 of the N.I. Act.

Allegation as per complaint petition is that the petitioners had taken a loan of Rs. Ten Lakhs from the complainant in the year 2013 with a promise to return the total amount by January 2014 but they did not return the money, thereafter on persuasion, petitioner no. 1 gave a cheque of Rs. 3,75,000/- and petitioner no. 2 gave a cheque of Rs. 8,00,000/- to the complainant, which were dishonoured by the bank on



presentation.

Submission of learned counsel for the petitioners is that entire allegations are false and concocted and in support of his case, the complainant has not produced any agreement or any chit of paper.

Learned counsel for the State opposed the prayer for anticipatory bail and submitted that after enquiry, the learned court below has found a prima facie case against the petitioner under Section 420 of the Indian Penal Code and Section 138 of the N.I. Act, and thus issued process and under Section 138 of the N.I. Act, there is presumption also.

Having heard both sides, considering the above facts, I am not inclined to grant the privilege of anticipatory bail to the petitioners rather petitioners to surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

sunilkumar/-

U		T	
---	--	---	--

