

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26085 of 2019

Arising Out of PS. Case No.-27206 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Kaushal Kumar Sinha, S/o Late Sachidanand Prasad Sinha, Resident of Mohall- Near Ganga Mahal, North Mandiri, P.S.- Budha Colony Town and District- Patna- 800001.
 2. Bibha Devi @ Bibha Sinha, W/o Kaushal Kumar Sinha, Resident of Mohall- Near Ganga Mahal, North Mandiri, P.S.- Budha Colony Town and District- Patna- 800001.
 3. Raushan Kumar Sinha, S/o Kaushal Kumar Sinha, Resident of Mohall- Near Ganga Mahal, North Mandiri, P.S.- Budha Colony Town and District- Patna- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jitendra Kumar, S/o Late Krishna Mistry, Resident of North Mandiri, Near Dwarika School, P.S.- Buddha Colony, Town and District- Patna-800001.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjum Perveen
For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 31-07-2019 This is an application for grant of anticipatory bail in connection with Complaint Case No. 27206 (C) of 2014, disclosing offences under Sections 406, 420, 34 of IPC.

Allegation against the petitioners is that they have borrowed Rs.4,50,000/- from the opposite party no.2 in order to build their house and issued five account payee cheques in the name of opposite party no.2 totaling Rs. 1,97,000/-, but those cheques were bounced due to insufficient fund and thereafter, when he again requested, they gave an undertaking in the Non-



Judicial Stamp Paper that they will return the amount by 20.03.2014, as such, he has not filed a case under Section 138 of N.I. Act.

Submission of the learned counsel for the petitioners is that they have falsely been implicated in this case, which will appear from the fact that though the cheques were issued but he has not lodged the complaint u/s 138 of NI Act and the signatures on the cheques are not of the petitioners. They have also denied the story of giving undertaking to return the same by 20.03.2014.

Heard learned A.P.P. as well as learned counsel appearing on behalf of opposite party no.2 also, they have opposed the prayer for anticipatory bail on the ground that the petitioners have taken the money, which will appear from the undertaking given by them and he is ready for examination of that undertaking by any expert. It has also been submitted that cheques issued by the petitioner no.3 has not returned the same, rather signatures of the petitioner no.2 was not having in that. He has never denied that he has not given any cheque.

Having heard both sides, in view of the allegations, so far as, petitioner no.1 is concerned, I am not inclined to grant privilege of anticipatory bail to him. However, he may surrender



before the learned court below and make prayer for regular bail.

So far as, petitioners no.2 and 3 are concerned, in the event of their 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) each with two sureties of the like amount to the satisfaction of Smt. Sarika Vahaaliya, Execution Munsif, Patna, in connection with Complaint Case No. 27206(C) of 2014, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

With the aforesaid, this application is disposed of.

(Vinod Kumar Sinha, J)

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