

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26961 of 2019**

Arising Out of PS. Case No.-1540 Year-2015 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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SHIVMUNI SINGH Son of Late Ramyash Singh, Resident of Village-
Kanhuan, P.S-Ramgarh, District-Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ram Awtar Gupta @ Ramawtar Sah Son of Chaturi Sah Resident of Village-
Bandipur, Chandauli, P.S-Ramgarh, District-Kaimur (Bhabua).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Ashok Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

4 29-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application has been filed for cancellation of
anticipatory bail granted to Opposite Party No. 2 by order, dated
11.05.2018, passed by learned 4th Additional Sessions Judge,
Kaimur, at Bhabhua, in A.B.P. No. 684 of 2018, arising out of
Complaint Case No. 1540 of 2015.

Learned Counsel for the petitioner submits that
Opposite Party No. 2 was granted anticipatory bail on the basis
of the statement made by his Counsel that no case under Section
406 and 420 of the Indian Penal Code is made out against the
petitioner and only a case under Section 138 of the Negotiable



Instruments Act, 1881, is made out against the petitioner in the facts and circumstances of the case and has concealed the fact that the Opposite Party No. 2 had earlier preferred a revision application challenging the order by which learned Court below has taken cognizance under Sections 406/420 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act, 1881. He submits that this amounts to concealment of facts on the part of Opposite Party No. 2.

After having heard learned Counsel for the parties and taking into consideration the fact that the learned Court below has granted anticipatory bail to Opposite Party No. 2 on coming to a *prima facie* finding that from perusal of the complaint, which relates to bouncing of cheque of Rs. 2,68,579/-, at best, an offence under Section 138 of the Negotiable Instruments Act, 1881 is made out and on that premise, Opposite Party No. 2 has been granted anticipatory bail, I am not inclined to interfere with the order impugned.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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