

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25778 of 2019

Arising Out of PS. Case No.-2976 Year-2017 Thana- District- Patna

Dayanand Jha Son of Late Bhuneshwar Jha, Resident of Village-Parishram Bhillia, Ashok Nagar, Road No.1, Main Road, P.S.-Kankarbagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Luxmi Prasad Son of Late Bhramdeo Prasad Sah, Resident of Village-Road No.8/A, Ashok Nagar Changar Road, P.S.-Kankarbagh, District-Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-04-2019 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No.2976 (C) of 2017 registered under Section 420 of the Indian Penal Code and under Section 138 of the Negotiable Instruments Act.

The complainant, in sum and substance, alleged that the petitioner is well acquainted with him from before and he used to visit the residence of complainant. The petitioner took Rs.3,84,000/- in cash for treatment of his son and in view thereof the petitioner handed over the cheques of Rs.3,84,000/- to return the money to the complainant but when the complainant deposited the cheques in his account in the Bank of



India, no payment was made to the complainant. Thereafter the complainant filed the complaint case.

Learned counsel for the petitioner submits that the petitioner happens to be a good friend of the complainant and both the complainant and the petitioner are residents of the same locality. The complainant forcibly took post dated cheques of the petitioner. The petitioner informed the police on 20.02.2017 and later on also informed the Bank not to make payment on the aforesaid cheques which were snatched by the complainant from possession of the petitioner. It is further submitted that no offence under Section 420 of the IPC and under section 138 of the N.I. Act is made out.

Having considered the facts aforesaid and the fact that the petitioner denied to have borrowed any money from the complainant and it is the case of the petitioner that the complainant snatched the cheques from possession of the petitioner and presented the said cheques before the Bank after filling the same for encasement but before that the petitioner informed the Bank about non-payment on the said cheques, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is



directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. III, Patna in connection with Complaint Case No.2976 (C) of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Harish/-

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

