

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26402 of 2019

Arising Out of PS. Case No.-1851 Year-2018 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Shri Krishna Singh @ Shri Krishn Singh, Son of Shri Ram Ratan Singh,
presently residing at 10/6, Ram Lal Mukherjee Lane, Salkia, Howrah, P.S.
Golabari, West Bengal-711106.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shivjag Singh, S/O Late Hawaldar Singh, R/o Harji ke Hata, Ara, Thana-
Ara Nawada, Dist.- Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 25-07-2019 This is an application for grant of anticipatory bail in
connection with Complaint Case No.1851 (C) of 2018, disclosing
offences under Section 420 of IPC and Section 138 of N.I. Act.

Allegation against the petitioner as per complaint petition
is that he has taken Rs.28,00,000/- from the complainant on
condition that he will return the same with interest, at that time the
complainant has given the amount from his loan account but
thereafter, he has not returned the amount and gave two cheques of
Rs.14,00,000/-, on production, the same was bounced, as the
petitioner has closed his account.

Submission of the learned counsel for the petitioner is that
it is not the case that he has not returned the amount, he has returned
Rs.15,00,000/- through the cheques. The two cheques which were on



production bounced were not issued by the petitioner, rather that was kept in the drawer and the complainant anyhow has taken the same and misused in this case.

Heard learned A.P.P. as well as learned counsel appearing on behalf of the opposite party no.2, they have opposed the prayer for bail on the ground that at that time, the petitioner was given loan and at that time, he made it clear that from his loan account, he has given the said amount to him as such, he has to pay interest also. He has returned Rs.15,00,000/- that amount is only deposit towards the interest and the total amount has not been paid and he had issued two cheques, which were bounced due to the account has already been closed by the petitioner, which shows the intention of the petitioner.

Having heard both sides, in view of the allegations, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner may surrender before the learned court below and make prayer for regular bail.

With the aforesaid, this application is dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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