

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65082 of 2018**

Arising Out of PS. Case No.-2121 Year-2015 Thana- PATNA COMPLAINT CASE District-  
Patna

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Shailendra Jaiswal Son of Late Laxmi Narayan Jaiswal, a resident of  
Mohalla- Arya Kumar Road, Machhli Market, Police Station- Kadamkuan,  
District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Ragini Singh, W/o Late Madaneshwar Singh, Permanent R/o Barhaiya  
House, New Lalji Tola, P.S. Gandhi Maidan, Dist.- Patna, Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Mithlesh Kumar Gupta  
For the Opposite Party/s : Mr.Sri Shyameshwar Dayal

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

8      24-07-2019                      This application, for grant of anticipatory bail, arises  
  
out of Complaint Case No. 2121(C) of 2015, 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 petitioner  
issued two cheques of Rs. 70,000/- and 40,000/- respectively in  
favour of the complainant, which were dishonored by the bank  
on presentation.

Submission of learned counsel for the petitioner is  
that as a matter of fact it is a dispute between the landlord and  
the tenant and the petitioner has already paid the rent and  
vacated the premises of the complainant and the quenches,



which were given to the complainant at the time of agreement as security, has fraudulently been used by the complainant.

Heard learned A.P.P. also as well as learned counsel for the complainant. Learned counsel for the complainant has opposed the prayer for bail and submitted that the complaint petitioner shows that the cheques given by the petitioner to the complainant, were dishonored by the bank, as such, a prima facie case under Section 138 of the N.I. Act is made out against the petitioner.

Having heard both sides, considering the facts and circumstances of the case, this application is allowed. Let the petitioner, above named, in the event of his 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 each to the satisfaction of learned Additional Chief Judicial Magistrate -VII, Patna, in connection with Complaint Case No. 2121(C) of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is further subject to the condition that petitioner shall cooperate in disposal of trial and make himself available as and when required by the Trial Court, failing which, the



prosecution will be at liberty to move for cancellation of bail  
bonds of the petitioner.

**(Vinod Kumar Sinha, J)**

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