

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46206 of 2019

Arising Out of PS. Case No.-1128 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Rajesh Kumar, Son of Shekhar Mistri @ Teju Mistri Resident of Village and
P.O.- (Badkagaon) Pondil, P.S. Kurtha, District- Arwal (Bihar).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sunil Mistri Son of Sri Indradeo Mistri Resident of village and P.O.- Ker,
P.S.- Konch, District- Gaya, presently resides at C/O. Harinandan Rai,
Bighrapur, Bus Stand, P.S.- Jakkanpur, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 26-09-2019 Heard learned counsel for the petitioner and learned

counsel for the informant.

The petitioner in this case is seeking anticipatory bail in
connection with Complaint Case No.1128(C) of 2017 registered
for the offences punishable under Sections 406 and 420 of the
Indian Penal Code and Section 138 and 142 of the Negotiable
Instrument Act.

Earlier vide order dated 26.07.2019, the petitioner has
been granted provisional bail by a learned coordinate Bench of this
Court.

Learned counsel for the petitioner submits that the
petitioner was working as an agent of the company in which the
informant was investing money, however, it is also his submission
that one cheque of Rs.21000/- issued in favour of the informant



was dishonoured. The said amount was paid in cash to the informant and receipt thereof has been issued vide Annexure-3 to the present application.

Learned counsel for the informant has, however, opposed the prayer for anticipatory bail. It is his submission that this petitioner was not working as an agent rather he was a person who had been taking the money. He has also disputed the contents of Annexure-3 though he admits his signature thereon. It is further submitted that the said subscription payment detail was got executed from him on a without containing any contents when it was in a blank condition.

Considering the facts and circumstances of the case wherein it is submitted that vide Annexure-3 to the present application the petitioner had paid a sum of Rs.21,000/- in cash to the informant after dishonour of cheque and further that vide Annexure-4 co-accused has been granted privilege of anticipatory bail by a learned coordinate Bench of this Court, let the provisional bail granted to the petitioner be confirmed on the same bail bonds subject to the conditions under Section 438 (2) of the Cr.P.C.

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(Rajeev Ranjan Prasad, J)

