

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57000 of 2018

Arising Out of PS. Case No.-109 Year-2016 Thana- COMPLAINT CASE District- Sheohar

Md. Jawed Anwar S/o Abuzaid Ojaid @ Md. Abuzaid, R/o Vill.- Mahuava,
P.S.- Piprahi, District- Sheohar.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Manoj Kumar Soni S/o Ramchandra Soni, R/o Mohalla- Main Road New Alankar Jewelers, P.S. District- Sheohar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Sri Satyavarat Verma

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

8 22-04-2019 This application, for grant of anticipatory bail, arises out of Complaint Case No. CI – 109/2016, disclosing offences under Sections 420 of the Indian Penal Code and Section 138 of the N.I. Act.

Allegation against the petitioner is that he has taken Rs. Six lacs from the complainant with the assurance that he will return the same within a period of two months but, thereafter, in spite of repeated request of the complainant he did not return the money and ultimately issued two cheques each worth Rs. Three lacs and when the complainant presented the cheques before the bank they were not encashed on the ground that the petitioner had asked the bank to stop payment on the



aforesaid two cheques.

Submission of learned counsel for the petitioner is that there is no chit of paper to show that the petitioner has taken Rs. Six lacs from the complainant and petitioner has asked the bank to stop payment on the cheques before presentation of cheques by the complainant and, therefore, no case either under Section 420 of the Indian Penal Code or under Section 138 of the N.I. Act is made out against the petitioner.

Heard learned A.P.P. as well as learned counsel for the complainant. They have opposed the prayer of the petitioner for grant of anticipatory bail on the ground that the intention of the petitioner to cheat the petitioner is evident from the fact that at one hand he issued two cheques to the complainant and on the other hand, he asked the bank to stop payment on the aforesaid two cheques and in spite of repeated request, he is not willing to return the money of the complainant.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner should surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being



prejudiced by this order.

This application is, accordingly, dismissed .

(Vinod Kumar Sinha, J)

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