

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68506 of 2018

Arising Out of PS. Case No.-529 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Kishun @ Ranjan Kumar @ Ranjan Son of Anup Rai, resident of Village-
Vigrahpur, Near Bank Colony, Indranagar, P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Adv. Mr.Sunil Kumar, Adv.
For the Opposite Party/s :		Mr. Ajit Kumar, APP.
For the Informant	:	Mr. Ashok Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

11 07-11-2019 This application, for grant of anticipatory bail,

arises out of Complaint Case No. 529 (C) of 2016, disclosing

offences under Section 420 of the Indian Penal Code and

Section 138 of Negotiable Instrument Act.

Allegation as per complaint petition is that the
petitioner was in need of money, as such, he approached the
complainant for loan of Rs. Ten Lakhs, complainant anyhow
managed to give him Rs. 6.25 Lakh and in lieu of that petitioner
gave a cheque of Rs. 6.25 Lakh and asked the complainant to
get it encashed after a month but it appears that the cheque was
valid only for the payment upto Rs. Fifty Thousand, which was
dishonoured by the Bank on presentation by the complainant
and, thereafter, complainant sent the legal notice to the



petitioner but petitioner is not ready to return his money.

Submission of learned counsel for the petitioner is that he is a sales man and has never taken any loan from the complainant and he has already lodged a Sanha entry in the concerned police station with regard to loss of his cheque, before filing of the present case by the complainant. It has further been submitted that in the cheque the date was not mentioned but later on the date has been mentioned in the cheque. It has also been submitted by the petitioner that there was no occasion for the petitioner to borrow money from the complainant.

Heard learned A.P.P. as well as learned counsel for the complainant. Learned counsel for the complainant has opposed the prayer for anticipatory bail and submitted that the cheque in question bears the signature of the petitioner and further in the reply of the legal notice, the petitioner has stated that the cheque was stolen away by the complainant and in the information given to the police, he has mentioned that he lost the cheque in way, which shows the conduct of the petitioner. It has further been submitted that petitioner was fully aware that the cheque is valid only upto the payment of Rs. 50,000/- but in spite of that he issued the same for Rs. 6.25 Lakh, which shows



the intention of the petitioner to swallow the money of 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 has to 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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