

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65131 of 2018

Arising Out of PS. Case No.-2468 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Mukesh Kumar, Son of Sri Om Prakash Prasad Residing at the tenanted house
of Surendra Prasad, Mahavir Lane, Naya Gaon, P.S. Pirbahore, District- Patna.

... .. Petitioner

Versus

The State Of Bihar and ors.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Dubey, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar, APP
For the informant	:	Mr. Kamteshwar Pd., Advocate
		Mr. Ram Swarup Pd., Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 05-02-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 2468© of 2016, registered under Sections 406, 420 of the Indian Penal Code and Section 138 of the N.I. Act.

The accusation is that a cloth shop in the name of M/s Aishwarya Saree is being run by the complainant Mamta Modi, which was being looked after by the petitioner on the basis of monthly salary of Rs. 15,000/-. The petitioner being the Manger of the said shop dishonestly transferred the clothes to the shop of Sailendra Kumar. The matter was came



to light after verification of stock register and cash memo. Thereafter, Sailendra Kumar issued five cheque total amount of Rs. 5,11,148/- and he also handed over his motorcycle worth of Rs. 40,000/- as security, but the said cheques were dishonoured.

Learned counsel for the petitioner submits that the, admittedly, the petitioner is the worker in M/s Aishwarya Saree belonging to the complainant and due to salary dispute, the petitioner has filed a complaint case No. 1001 (C) of 2016 in which complainant of the present case along with three others are made accused. Further submission is that after perusal of the whole complaint petition, it would appear that five cheques, which are said to be dishonoured are not issued by the petitioner, rather the same was issued by co-accused Sailendra Kumar.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-cum-Spl. Judge CBI, at Patna in connection with Complaint



Case No. 2468 © 2016, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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