

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50530 of 2019

Arising Out of PS. Case No.-453 Year-2018 Thana- CHAPRA TOWN District- Saran

RAJNISH KUMAR SHRIVASTAVA @ GANNU Son of Late Awadhesh Prasad Sinha @ Awadhesh Prasad Shrivastava Resident of Village - Mauna Pakari, P.S.- Chapra Town, Dist.- Saran at Chapra.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Prem Shankar Prasad Son of Late Gopal Ji Prasad Resident of Village - Mauna, P.S.- Chapra Town, Dist.- Saran at Chapra.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr.Narendra Kumar
For the Opposite Party State:		Mr.Upendra Kumar, APP
For Opposite Party No.2 :		Mr. Deepak Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 14-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Chapra Town P.S. Case No. 453 of 2018 for the offence punishable under Sections 406, 467, 468 and 506 of the Indian Penal Code.

It is alleged that the informant had given to the petitioner a total sum of Rs. 36 lac partly in cash and rest through cheque in connection with a business of profit, which the petitioner was carrying on. The informant, subsequently, wanted to get his money back. The petitioner is said to have issued a cheque to the tune of Rs. Ten lac on 25.11.2017 in favour of the informant, which, when presented before the Bank



on 13.02.2018, could not be encashed because of insufficiency of fund in the petitioner's account.

Learned counsel appearing on behalf of the petitioner has submitted that it was in course of business transactions between the parties that the said cheque was issued. He has further submitted that the First Information Report does not disclose commission of any offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel appearing on behalf of the informant, on the other hand, opposed the prayer for anticipatory bail mainly on the ground that since processes under Section 82 and 83 of the Cr.P.C. have been issued and executed, the petitioner should not be allowed the privilege.

Be that as it may, a case for anticipatory bail is made out considering the nature of accusation arising out of a business transaction. This application is accordingly allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saran at Chapra, in Chapra Town P.S. Case No. 453 of 2018, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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