

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58739 of 2019

Arising Out of PS. Case No.-1489 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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VIKAS KUMAR @ VIKASH KUMAR Son of Dina Nath Singh @ Dina Nath Resident of Village - Dhobi Tola, P.S.- Danapur, Dist.- Patna., At Present Resident of Mohalla- Flat No.504, Dream Jewel Apartmernt, R.K. Puram , P.S.- Danapur, Dist.- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Upendra Kumar Singh Son of Late Brijendra Singh Resident of Village - Saguna, P.S.- Danapur, Dist.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Damodar Tiwary
		Mr.Prem Ranjan Kumar
For the Opposite Party/s :		Mr.Shyameshwar Dayal
For the complainant	:	Mr. Ravi Kant Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 19-09-2019 Heard learned Counsel for the petitioner, learned Counsel for the Opposite Party No. 2 and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Complaint Case No. 1489 (C) of 2018, in which cognizance has been taken under Sections 406/420 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act, 1881.

The allegation against the petitioner, as per the complaint, is that the petitioner took a loan of Rs. 4,50,000/-



from the complainant for the purpose of business with a promise to return the same within a period of six months and after six months, the petitioner issued four cheques, which were deposited by the complainant for encashment, but the same were dishonoured due to insufficient fund.

Learned Counsel for the petitioner submits that in lieu of Rs. 4,50,000/- received by the petitioner as loan, the petitioner has returned Rs. 14,00,000/- to the complainant as principal amount and interest. He further submits that a complaint to this effect has also been filed by the petitioner which is Annexure-5 to this application.

On the other hand, learned Counsel for the complainant- Opposite Party No. 2 vehemently opposes the prayer for anticipatory bail and submits that the cheques given by the petitioner have bounced and the claim of the petitioner that he has given Rs. 14,00,000/- to the complainant is not substantiated by any piece of evidence.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the allegation against the petitioner is of bouncing of cheques, for which there are separate provisions under the Negotiable Instruments Act, 1881 and there appears to be money



transaction between the parties, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Vikash Kumar @ Vikash Kumar, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Additional Chief Judicial Magistrate, Danapur, in connection with Complaint Case No. 1489 (C) of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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