

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57041 of 2019

Arising Out of PS. Case No.-552 Year-2019 Thana- KANKARBAG District- Patna

PRIYANKA KUMARI Wife of Abhay Kumar Resident of Village -
Usmanchak, P.S.- Masaurhi, District - Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ranjeet Singh Son of Sri Tejnarayan Singh Resident of Village - Chainpur,
P.S.- Mashrakh, District - Saran at Present resident of E/126, P.C. Colony,
P.O. - Lohianagar, P.S.- Kankarbagh, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Indeshwari Prasad Mandal
For the Opposite Party/s	:	Mr. Awadhesh Kumar Singh
For the informant	:	Mr. Manish Chandra Gandhi

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 16-09-2019 Heard learned Counsel for the petitioner, learned
Counsel for the informant and learned Additional Public
Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Kankarbagh Police Station Case No. 552 of 2019,
disclosing offences under Sections 420 and 406 of the Indian
Penal Code.

The allegation against the petitioner, as per the First
Information Report, is that the petitioner was a tenant in a house
in which the informant was also residing and is the neighbour of
the petitioner and on the request of the petitioner, he gave a
friendly loan of Rs. 6,00,000/- to the petitioner for a period of



fifteen days, for which the petitioner executed a written agreement on a stamp paper on 28.03.2019 and also handed over one cheque, bearing no. 104130 of Bank of India, Kankarbagh branch, as security. It has further been alleged that when the informant demanded his money back, the petitioner refused to refund the same and accordingly, the petitioner presented the cheque for its encashment in his bank account, but the same got dishonoured due to insufficient fund.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case inasmuch as no loan was taken by the petitioner and the stamp paper on which, it has been alleged that an agreement was executed, was not signed by the petitioner and from perusal of the agreement, which is part of the First Information Report, it would be evident that the stamp paper was purchased on 04.04.2019; whereas the signature of the petitioner appears to be there date 28.03.2019. He further submits that actually a sum of Rs. 6,00,000/- was given by the petitioner herself to the informant inasmuch as the informant had promised the petitioner to ensure a Government job of teacher and for that purpose, the petitioner had given the said amount to the informant. He next submits that First Information Report to this



effect has also been lodged by the petitioner against the informant, being Masaurhi Police Station Case No. 519 of 2019.

On the other hand, learned Counsel appearing on behalf of the informant vehemently opposes the prayer for anticipatory bail and submits that the fact of the matter is that the petitioner had taken the loan of Rs. 6,00,000/- from the informant and for which an agreement was executed by the petitioner on a stamp paper and the petitioner had also issued a cheque of Rs. 6,00,000/- in favour of the informant as security with the promise that in case, the money would not be refunded by the petitioner, the informant would be at liberty to present the cheque for its encashment. He further submits that the intention of the petitioner was to deceive and cheat the informant.

After having heard learned Counsel for the parties and taking into consideration the fact that from very perusal of the First Information Report, it appears that the loan was given by the informant to the petitioner and the dispute between the parties appears to be of money transactions and of bouncing of cheque, for which there is separate provision under Section 138 of the Negotiable Instruments Act, 1881, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this



application is allowed.

Let the petitioner, Priyanka Kumari, in the event of her 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 Judicial Magistrate, 1st Class, Patna, in connection with Kankarbagh Police Station Case No. 552 of 2019, 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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