

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 76665 of 2019**

Arising Out of PS. Case No.-5258 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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DAYANAND JHA Son of Late Bhuneshwar Jha Resident of Village -
Parishram Bhilla, Ashok Nagar, Road No.1, Main Road, P.S.- Kankarbagh,
District - Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Laxmi Prasad Son of Late Brahmdeo Prasad Sah Resident of Village - Road
No. 08/A, Ashok Nagar, Changer Road, P.S.- Kankarbagh, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Opposite Party/s : Mr.Md. Aslam Ansari

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 10-12-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner apprehends arrest in a case registered under
Section 420 of Indian Penal Code and Section 138 of Negotiable
Instruments Act.

It is submitted by petitioner's counsel that in respect
of the same loan amount of Rs 3,84,000/-, the complainant has
lodged different cases. The different cases have been lodged
alleging that the cheques regarding repayment of the loan have
not been honoured and other allegations. Dealing with one of
the complaint cases bearing Complaint Case No 2976C of 2017



in relation to one of the cheques issued in alleged repayment of the same loan amount of Rs 3,84,000/-, which forms the subject matter of the present proceedings, this Court, by order dated 22.04.2019 passed in Cr Misc No 25778 of 2019, has allowed the anticipatory bail application of the petitioner. The Court, while granting anticipatory bail, has taken note of the fact that the petitioner had set out the case that the cheques have been forcibly taken from him and presented for payment for which he informed the police and also informed the Bank. Accordingly, prayer for anticipatory bail has been allowed under order dated 22.04.2019. The instant case is also in respect of one of the cheques which the complainant alleged to have been dishonoured and the petitioner alleges was forcibly taken from him. Prayer of petitioner is that this Court, while considering the bail application, should have due regard of parity in terms of the order dated 22.04.2019 passed in Cr Misc No 25778 of 2019.

Learned APP for the State has opposed the prayer.

Considering the rival submissions, this Court is inclined to accept the submission of petitioner's counsel.

Let the petitioner above named, in the event of his arrest or surrender, be released on bail on his furnishing bonds



of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Judge III -cum- Additional Chief Judicial Magistrate, Patna in Complaint Case No 5258 of 2017 subject to the conditions as laid down in Section 438 (2) of Criminal Procedure Code and also the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

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