

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75606 of 2019

Arising Out of PS. Case No.-2139 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

DR. ARUN KUMAR @ ARUN KUMAR S/o Indradeo Diwedi R/o Moll
Near M. S. College, P.S.- Motihari Town, District- East Champaran. At
present Dr. Arun Kumar @ Arun Kumar, S/o Indradeo Diwedi Principal
L.N.D. College Motihari, District- East Champaran.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Ramashankar Singh S/o Late Jang Bhadur Singh R/o Moll Shrikrishn Nagar,
P.S.- Motihari Town, District- East Champaran.

... .. Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Ms.Madhuri Lata

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-12-2019 Heard learned counsel for the petitioner, complainant and
the learned APP for State.

Petitioner apprehends his arrest in connection with
Complaint case no. c-2139 of 2018, instituted for the offence
under Section(s) 406 of the Indian Penal Code and Section
138 of the N.I. Act.

It is submitted by the petitioner's counsel that the cheques
in-question had been issued from the unauthorized accounts
being maintained by his predecessor Principal. It was on
instructions of the University dated 04.12.2018 that the payment
has been stopped. The petitioner, therefore, cannot be held liable



for the allegations as per the complaint petition.

The counsel for the complainant submits that the petitioner has, in fact, given the direction to the Bank for stop payment, and as such, the cheque in-question has bounced and that he had, in fact, deposited the amounts in the account maintained by the college. The statements of the complainant to this effect has not been corroborated by annexing any documents with the complaint petition to show that the petitioner had given the instructions to the bank for “stop payment”.

The petitioner has got no criminal antecedents as per assertions made in para 3 of the instant petition.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, above named, before the court below, within four (04) weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **CJM Motihari, East Champaran**, in connection with **Complaint case no. c-2139 of 2018, Tr. No. 2168 of 2019** subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-



(i) 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.

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

(Madhuresh Prasad, J)

shyambihari/-

U		T	
---	--	---	--

