

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2125 of 2019

Arising Out of PS. Case No.-3842 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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Deepak Kumar Shaw @ Dipak Kumar Shaw, son of Late B.K. Shaw,
Resident of Behind Durga Mata Mandir, Rajendra Path, P.S.- Gandhi Maidan,
District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nishant Kumar, son of Kamleshwar Prasad Singh, Resident of Mohalla -
P.I.T. Colony L2/31, Kankarbagh, P.S.- Patrakar Nagar, District – Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Neerad Parashar
For the Opposite Party/s : Mr.Arun Kumar (App 82)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 27-06-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Complaint Case No.3842(C) of 2015 for the offence punishable
under Sections 406, 504 and 34 of the Indian Penal Code.

The allegation against the petitioner in a complaint
case is that the complainant took loan of Rs. 4 lakhs from the
petitioner in which co-accused Brajesh Kumar was made
witness and the complainant refunded the loan amount with
interest to the petitioner and his agent to the tune of Rs.
7,48,000/-. The complainant further alleged that the total eight
blank cheques were given to the petitioner against the loan



amount taken by the complainant. The complainant alleges the cheques are not being returned by the petitioner even after the loan amount along with interest has been refunded by the complainant.

Learned counsel for the petitioner submits that the petitioner has lodged a case against the complainant under Section 138 of N.I. Act for bouncing of the cheque bearing Complaint Case No.4230 (C) of 2015 and 781 (C) of 2015 and after institution of these two cases, the present case has been filed by the complainant. He further submits that the total loan of Rs. 7 lakhs were given by the petitioner to the complainant and there is dispute of repayment of loan amount between the parties having no criminal element.

Despite repeated call, nobody appeared on behalf of the informant. on earlier occasion also, nobody appeared on behalf of the informant also.

After having heard learned counsel for the petitioner and perusal of complaint, it appears to be a case of accounting between the parties and the petitioner has also filed a case against the complainant for bouncing of the cheque.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a



period of four weeks and in the event of surrender by the petitioner, the petitioner shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VIII, Patna, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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