

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14599 of 2020

Arising Out of PS. Case No.-233 Year-2019 Thana- RAJIVNAGAR District- Patna

=====

DHARMVEER KUMAR Son of Late Chandeshwar Prasad Resident of
Mohalla- Rajiv Nagar, Road No. 21, Police Station - Rajiv Nagar, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ravi Bhardwaj, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 09-09-2020 Heard the learned counsel for the petitioner
and Sri Yogendra Kumar, the learned APP for the
State.

This is an application for grant of anticipatory
bail in connection with Rajiv Nagar P.S. Case No.
233 of 2019 registered for the offence punishable
under Sections 406 and 420/34 of the Indian Penal
Code.

The case of the prosecution in brief is that the
women of Rajeev Nagar locality are stated to have
been duped of their hard earned deposit, alleged
to have been made with the chit fund company run
by the petitioner herein. It is further alleged that
when the said women were provided cheques, the
same were dishonoured.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that there is no proof of transaction of any money with the said women and moreover, if any cheque has been bounced, the said offence would fall within the ambit of the Negotiable Instruments Act.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the dispute in question would at best fall within the ambit of the provisions contained in the Negotiable Instruments Act, as such no prima facie case appears to be made out as against the petitioner herein, for the offences alleged, as far as consideration of his case for bail is concerned, I deem it fit and proper to grant the privilege of anticipatory bail to the petitioner herein, however, subject to certain conditions.



Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge III cum A.C.J.M., Patna in connection with Rajiv Nagar P.S. Case No. 233 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station at 10:00 am. on each Monday of the week and in the event of two consecutive defaults, the present privilege of the anticipatory bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

Ajay/-

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

