

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75104 of 2019

Arising Out of COMPLAINT CASE No.-3216 Year-2017 Thana- SARAN District- Saran

Sanjiv Kumar @ Sanjiv Kumar Sharma S/o Dashrath Lal R/o village-
Damodarpur, P.S.- Sonepur, District- Saran

... .. Petitioner

Versus

1. The State of Bihar
2. Shyam Kumar Singh @ Dablu Singh, Advocate Son of Ram Naresh Singh
Resident of Village and Post- Govindchak, Police Station - Sonepur,
District- Saran

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr.Prem Ranjan Kumar, Advocate
For the State	:	Mr.Satyavrat Verma, APP
For OP No.2	:	Mr. Dhananjay Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

8 26-06-2020 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel
for complainant-opposite party no.2 via video conferencing.

The petitioner seeks pre-arrest bail in connection with
Complaint Case No.3216 of 2017 in which cognizance has been
taken for the offences punishable under Sections 406 and 420 of
the Indian Penal Code and Section 138 of the Negotiable
Instruments Act by the learned ACJM, Saran vide order dated
10.09.2018.

Learned counsel for the petitioner contended that one
more case has been filed by the complainant on almost same



fact vide Sonapur P.S. Case No.134 of 2019 dated 01.03.2019 under Sections 419, 420 and 406 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act against the petitioner and others. He further contended that the allegations made in the complaint would at best attract the ingredients of the offence punishable under Section 138 of the Negotiable Instruments Act, which is bailable in nature. There is no element of cheating and criminal breach of trust and, thus, the cognizance under those provisions are patently bad.

On the other hand, learned counsel appearing for the complainant/opposite party no. 2 submitted that the petitioner has cheated the complainant twice and, therefore, there are two cases against him. He contended that the complainant had given Rs.13,50,000/- to co-accused Shiv Shankar Singh on 2 per cent interest and he had issued a letter assuring therein that the complainant would be paid Rs.27,000/- per month as interest, but the accused persons failed to make the payment.

Be that as it may, regard being had to the nature of the allegation, submissions advanced at the Bar and the other facts and circumstances of the case, the petitioner above named is directed to be released on bail, in the event of arrest or surrender before the court below, on furnishing bail bond of Rs.10,000/-



(Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Saran in Complaint Case No.3216 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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