

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29754 of 2020

Arising Out of PS. Case No.-5035 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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BINAY KUMAR S/o- Late Mithilesh Pati Nath Sinha R/v- H.L. Shah and Associate, 401, A- Block, Gagan Apartment, Exhibiton Road, P.S.- Gandhi Maidan, Distt- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Sanjay Kumar S/o - Sri Krishana Chandra Choudhary R/v- Jaiswal Bhawan, Kajipur Road No.-4, Near Sanskrit College, P.O.- Bankipur, Dist- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-01-2021 Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 420 of the Indian Penal Code and 138 of N.I. Act.

The prosecution case, in brief, is that the petitioner had taken a friendly loan of Rs. six lacs through cheque from the complainant for enhancement of his business and other household work and in this regard, a cheque of Rs. six lacs was



issued in favour of the complainant but the said cheque was dishonored due to insufficient funds. Thereafter, the complainant sent a legal notice to the accused petitioner but he did not reply the same.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The petitioner is alleged to have issued a cheque of Rs. six lacs which is said to have bounced and for the same, a complaint case was instituted by the complainant. It is further submitted that the petitioner is ready to deposit an amount of Rs. 50,000/- which shall be subject to final outcome of the case.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, the petitioner is directed to deposit an amount of Rs. 50,000/- which shall be subject to final outcome of the case. On doing so, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Patna in connection with Complaint Case No. 5035© of 2018
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Sudhir Singh, J)

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