

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9134 of 2016

Arising Out of PS.Case No. -777 Year- 2014 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

Rajesh Kumar Verma @ Rajesh Verma, son of Parbhudeo Narayan Verma,
resident of Azad Nagar, Ward No. 8, P.S. Motihari Town, District- East
Champaran

.... Petitioner

Versus

1. The State of Bihar
2. Chandrabhan Gupta @ Chandrabhal Gupta, Son of Late Gaurishankar Prasad resident of Chandra Gokhul Road, Hari Market Gopalganj, P.S.- Gopalganj, District- Gopalganj

.... Opposite Parties

Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey
For the Opposite Party : Mr. H.A.Khan (APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-05-2016 Heard learned counsel for the petitioner, learned
counsel for the complainant, opposite party No.2 and learned APP
for the State.

Petitioner apprehends his arrest in connection with
T.R. No. 1986 of 2016 (arising out of Complaint Case No. 777 of
2014) for the offences punishable under Section 420 of the Indian
Penal Code and under Section 138 of Negotiable Instruments Act.

The Prosecution case is that the complainant Chandra
Bhan Gupta has filed Complaint Case No.777 of 2014 in the court
of Ld. C.J.M., Gopalganj, that petitioner happens to be the owner
of Oneli Fashion Pvt. Ltd. and he met the complainant in the year,



2009 and advised to take dealership of Ready-made garments of his company and the complainant being convinced took dealership of his company and gave him D/D of total Rs. 6 lacs as security-money and he started supplying the ready-made garments, but the business of ready-made failed in Gopalganj and complainant told the petitioner that he will return back the goods and return his entire money and accordingly, petitioner took back his goods and a cheque of Rs. 13 lacs was given to the complainant for security money, goods and commission and when he presented the cheque in bank it bounced. Thereafter, Rs. 50,000/- was deposited by the petitioner in the account of complainant and thereafter, a cheque of Rs, 50,000/- on 29.03.2012 and another cheque of Rs. 12,00,000/- on 04.02.2014 bounced and last cheque bounced with note that the account is closed. Thereafter, the complainant sent a legal notice to the petitioner through his lawyer.

It has been submitted by the learned counsel for the petitioner that earlier to this case a complaint case had been filed by the petitioner against the complainant bearing Complaint Case No. 417 of 2012 wherein he had also claimed 17 lacs and odd against the complainant. Admittedly, both parties were having business transactions, but due to certain dispute both sides have claimed that there are certain outstanding due lying with each



other. He further submits that in the case filed by the petitioner, the Magistrate has taken cognizance and just as an afterthought the present case has been filed. He further submits that the matter relates to money dispute as such Section 420 of the Indian Penal Code will not be applicable. He further submits that the present complaint has been lodged after the limitation period as provided under Section 138 of the N.I. Act as such Section 138 of N.I. Act will also not be applicable.

However, learned counsel for the complainant submits that although there was business transaction but a sum of Rs. 13 lacs is due against this petitioner

However, the learned APP for the State submits that petitioner is named in the Complaint hence, opposes the prayer for bail.

Be that as it may, since the matter relates to money dispute between the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with T.R. No. 1986 of 2016 (arising out of Complaint Case No. 777 of

2014), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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