

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.52829 of 2015**

Arising Out of PS.Case No. -215 Year- 2015 Thana -SHIVSAGAR District- SASARAM  
(ROHTAS)

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Rajendra Singh, Son of Late Ansmuni Singh, Resident of Village- Patarhi,  
P.S.- Sheosagar, District- Rohtas.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar 1 (APP)

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      03-03-2016                      Heard learned counsel for the petitioner, learned  
counsel for the informant and the learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with  
Shivsagar P.S. Case No. 215 of 2015 registered for offence  
punishable under Sections 420 and 406 of the Indian Penal Code  
and Section 138 of the Negotiable Instrument Act.

The prosecution case, in brief, is that the informant  
submitted a written complaint before the Officer-in-charge,  
Shivsagar Police Station, alleging therein that the named accused  
persons motivated to sale basmati paddy in their centre, which was  
established at the *Dalan* and *Khalihan* of the petitioner.  
Responsibility for payment of actual price was taken by the named  
accused persons. It is further alleged by the informant that the

cheque issued by co-accused, Niladri Gupta has been dishonoured by the Bank on the ground of insufficiency of fund in the account.

It has been submitted by the counsel for the petitioner that petitioner is innocent having no criminal antecedent. It has further been submitted that cheque has not been issued by the petitioner and it was one Niladri Gupta, who had purchased the paddy from the farmers and issued cheques for Rs. 2,05,062/- and the petitioner is only the owner of the place, which was used for storing paddy and is nowhere concerned in committing the offence. Hence, no case under Section 138 of the Negotiable Instrument Act is made out against the petitioner.

However, learned counsel for the informant submits that the said cheque issued by one of the co-accused, who had close connection with this petitioner, has bounced and informant has not been paid for the paddy sold by him. He further submits that large number of persons have been duped by the petitioner and co-accused.

However, learned counsel for the petitioner submits that petitioner is not engaged in the sale or purchase of paddy and cannot be implicated in the aforesaid case.

Learned A.P.P. for the State, on the other hand, opposed the prayer for bail on the ground that petitioner is named in the

First Information Report.

Since the petitioner has neither issued cheque in favour of the informant nor he is engaged in the sale or purchase of paddy, 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 bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Shivsagar P.S. Case No. 215 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

**(Nilu Agrawal, J.)**

Arjun/-

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