

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15292 of 2018

Arising Out of P.S.Case No. -4080 Year- 2012 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Subodh Singh @ Subodh Kumar Singh S/o Late Kamleshwar Singh, R/o
Village- Rasulpur, Sohanwan, P.S.- Bhagwanpur, Distt.- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shatrudhan Rai S/o late Nand Lal Rai, R/o Village- Hasanpur Basti,
P.S.- Mahur, Distt.- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Anish Chandra, Advocate

For the Opposite Party : Mr. Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 09-04-2018

Heard.

The petitioner apprehends arrest in connection with
Complaint Case No.4080 of 2012 pending in the Court of ACJM-
XIV, Vaishali at Hajipur registered for an offence under Section
420 of the IPC and Section 138 of the NI, Act.

The complainant has stated that as per terms of
agreement, he supplied 40,000 bricks at the rate of Rs.4125/- per
thousand bricks. This petitioner gave two cheques one for
Rs.98,000/- and another for Rs.95,000/- as price of the said bricks.
The complainant presented the said cheques to the bank which
was dishonoured on account of insufficient money in the account
of the petitioner.



It has been submitted that the petitioner had given the said two cheques to the complainant by way of security for supplying the bricks. The complainant neither supplied the bricks nor returned the said two cheques and by the said act, the complainant committed fraud with this petitioner. He further submits that the petitioner is ready to settle the matter and pay the actual amount which is payable to the complainant with respect to the bricks which were supplied.

Learned APP opposed the submissions.

It appears that the cheques which were given by the petitioner have bounced on account of insufficient money. The learned Magistrate after assessing the material on record during enquiry, took cognizance for an offence under Sections 420 of the IPC and Section 138 of the NI Act as per order dated 02.05.2013. The case is pending for appearance of this petitioner for about five years. The court below has issued non-bailable warrant through SP in the year 2015 and in spite of direction of Sessions Judge, Vaishali at Hajipur given on 15.06.2017 in ABP No.888 of 2017 he has not surrendered before the court below.

Considering the allegation against the petitioner and his evading attitude before the court below, I am not inclined to grant him anticipatory bail. His prayer for bail is, therefore, rejected.



However, the petitioner is directed to surrender before the court below within four weeks and pray for regular bail on the plea available to him which shall be considered on its own merit without being prejudiced by the order of this Court.

(Sanjay Kumar, J)

B.Kr./-

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