

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52433 of 2018

Arising Out of PS.Case No. -228 Year- 2018 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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Rajnish Kumar, Son of Rajkishore Singh, a resident of Village- Bihat Tola,
Gurdashpur, Police Station- Barauni, District- Begusarai.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arvind Kumar Mouar, Advocate.

For the Opposite Party : Mr. Damodar Prasad Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-09-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 406, 420 of the IPC and 138
of the Negotiable Instrument Act, 1881.

The prosecution story, in brief, is that a talk has been
done in between the informant and the petitioner to sell the land
and for which informant has given Rupees 3,00,000/- Lacs to the
petitioner but thereafter the petitioner came and told the informant
that at present he is not ready to sell the land and thereafter the
petitioner returned the aforesaid amount Rupees 3,00,000/-
through a cheque in the name of the informant and when he



deposited the same cheque in his account then cheque has been returned showing insufficient amount thereafter he put the aforesaid fact before the petitioner but the petitioner did not take any step regarding payment of money then he understood that the petitioner has cheated with him and thereafter he given legal notice to the petitioner for payment of his money but the petitioner did not give any reply then he has filed this case.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner has been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. In respect of bounced cheque in question, the petitioner had already filed a *Sanha* dated 23.02.2018 before the officer-in-charge, Nagar Thana, Begusarai, in respect of missing of the said cheque which is evident from Annexure-2 to the present application. It is further submitted that the petitioner is ready to deposit an amount of Rs. 3,00,000/- (Rupees Three Lacs only) in the court below within a period of four months which may be subject to final disposal of the case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the submission made on behalf of the



petitioner, the petitioner is directed to deposit an amount of Rs. 3,00,000/- (Rupees Three Lacs only) in the court below within a period of four months which shall be subject to final disposal of the case. In the meantime, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Begusarai, in connection with Muffasil P.S. Case No. 228 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If the petitioner deposits Rs. 3,00,000/-(Rupees Three Lacs Only) in the court below within a period of four months , the provisional bail granted to the petitioner shall be confirmed by the court below itself.

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(Sudhir Singh, J)