IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34781 of 2018

Arising Out of PS. Case No.-779 Year-2017 Thana- SAHARSA COMPLAINT CASE District- Saharsa

Abhishek Singh @ Kanhaiya @ Abhishek Kumar @ Abhishek Kumar Singh son of Hajra Prasad Singh, R/o village Rakiya, P.S. Bihra, Dist. Saharsa

... ... Petitioner/s

Versus

1. State Of Bihar
2. Mohit Sah, son of Late Bhagwan Sah, R/o Mohalla Chanakayapuri, Ward No. 19, Saharsa, P.S. Saharsa, Dist. Saharsa and Govt. Bus Depo, Raju Hotel Ward No. 10, Saharsa, P.S. Saharsa, Dist. Saharsa.

.. ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sameer Ranjan
For the Opposite Party/s : Mr. Sri Sakir Ahmad
For the O.P. No.2 : Mr. Chandra Mohan Jha

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

5 31-07-2018 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner apprehend his arrest in complaint case no. 779 of 2017 instituted for the offence under Section(s) 420 of the Indian Penal Code and Section 138 of N.I. Act.

It is alleged in the complaint petition that complainant paid Rs. 25 lacs rupees to the petitioner for purchase of land situated in Saharsa town. Later on, on query, it was found that land belonged to aunt of the petitioner and the petitioner has no title over the aforesaid land. The complainant made request to return the money then this petitioner and other accused persons issued cheque(s) of different amounts. It is alleged against this petitioner that he has issued a cheque of Rs. six lacs which got bounced due to ‘insufficient

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fund'. The complainant has sent legal notice to the petitioner on 19.5.2017 through registered post. Thereafter the brother-in-law of this petitioner has lodged a complaint case for loss of the cheque book vide complaint case no. 764 of 2017 against the complainant which was sent to the police Station under Section 156(3) Cr. P.C. The police ultimately found the case false and recommended to proceed against the complainant of the case under Sections 182 and 211 of the I.P.C.

The informant has filed a counter affidavit annexing therewith the different cheque(s) issued by the petitioner in favour of the complainant (Annexure-A to the counter affidavit). The complainant has also produced the certificate issued from the Bank at the time of hearing of the bail petition which is kept on record, wherein, it is mentioned that aforesaid cheques have been issued by the petitioner which got bounced.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

It is made that clear in the event petitioner makes offer in the Court below to make payment of the aforesaid amount to the

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complainant and complainant accept the offer, the Court below will pass appropriate order in accordance with law including fixing installment.

(Sanjay Priya, J)

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