

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32012 of 2018

Arising Out of PS. Case No.-431 Year-2016 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Ranjeet Kumar, S/o Laxmi Sah, R/o Mohalla- Budhwari Tola, Bagaha, Ward
No.23, P.S.- Bagaha, Distt- West Champaran.

Versus

... .. Petitioner/s

1. The State of Bihar.
2. Suresh Chaudhary, S/o Late Raghunath Chaudhary, Mohalla- Gudari Bazar,
Bagaha, P.S.- Bagaha, Dist- West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1
For the Opposite Party/s : Mr. Sri Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 09-08-2018 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the complainant.

Petitioner apprehends his arrest in complaint case no. 431
(c) of 2016 instituted for the offence under Section(s) 420 of
the Indian Penal Code and Section 138 of N.I. Act.

In the written report it is alleged that complainant has
given Rs two lacs cash to the petitioner on 20.12.2014 in
good faith on the assurance that petitioner will return the
amount within six months. The complainant made demand of



the said amount after six months then petitioner gave a cheque of Rs. two lacs of Central Cooperative Bank, Bagha, on 19.2.2016 and when the cheque was presented in the bank the said cheque was bounced due to “insufficient fund”. Thereafter the complaint was filed.

Learned counsel for the petitioner has submitted that he gave a blank cheque to the complainant in good faith as there was business transaction between them and the aforesaid cheque was dishonored. It is further pointed out that petitioner has taken a sum of Rs. 60,000/- from the complainant. This court finds that these are only defence of the petitioner.

This court, after looking into the allegation in the complaint, finds that cheque was issued in the year 2016 which got bounced. Two years has already expired and petitioner has not made payment of the amount to the complainant. The petitioner has submitted that he will make payment in ten installments.

In view of such, this application is disposed off with direction to the petitioner to surrender before the Court below i.e. ACJM 1st Bagaha, Dist. West Champaran, in connection with Tr. no. 1305 of 2017, arising out of complaint case no. 431 (c) of 2016 within a period of six weeks from the date receipt of a



copy of this order along with valid receipt to show that he has paid the first installment of Rs. 20,000/- (twenty thousand) by way of demand draft to the complainant in terms of the order of this court and in that event the court below will release the petitioner on provisional anticipatory bail for a period of ten months subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

Thereafter, the petitioner will make payment of the remaining amount in nine equal installments within the aforesaid period and thereafter the court below will confirm the provisional anticipatory bail of the petitioner on submitting valid proof of making payment of Rs. Two lacs to informant.

It is made clear that in the event the petitioner does not surrender with valid receipt showing payment of the first



installment or in the event of default in making payment of single installments the court below will be at liberty to pass appropriate order in accordance with law including cancellation of bail bond of the petitioner. The payment done by the petitioner to informant will be subject to final decision of the case.

The application is disposed off.

(Sanjay Priya, J)

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