

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62994 of 2018

Arising Out of PS. Case No.-727 Year-2017 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Bhabhua (Kaimur)

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Badri Prasad Gupta Son of Vigan Saw, Resident of Village-Khiriyawan, P.S.-
Madanpur, Distt.-Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Radha Singh Son of Ram Bachhan Singh Resident of Village+post-
Bagadhi,P.S.-Ramgarh,Distt.-Kaimur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh
For the Opposite Party/s : Mr. Anuj Kumar Srivastava

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 18-12-2018 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the complainant.

The petitioner apprehends his arrest in connection
with Complaint Case No. 727 of 2017 registered under
Sections 406 and 420 of the Indian Penal Code and Section 138
of the N.I. Act.

Petitioner is said to have purchased 357.150
quintal paddy worth Rs.5 lacs from the complainant by
inducing him and handed over cheque of Rs.5 lacs in lieu
thereof. But on presentation of the said cheque in the Bank, it
was dishonoured and on demand of money by the complainant,
he misbehaved with him and extended threatening.

It is submitted by learned counsel for the petitioner



that no offence under Sections 420 and 406 IPC is made out. It is purely a case of civil nature and the petitioner is ready to deposit 20% of the aforesaid amount in the Court.

On the other hand, learned APP for the State and learned counsel for the complainant submitted that the complainant happens to be poor farmer and petitioner had taken paddy worth Rs.5 lacs from the complainant inducing him in the month of April 2017 and is not paying the cost of paddy to the complainant causing great financial crisis to him. Hence the petitioner does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Prayer for bail of the petitioner is rejected.

However, petitioner is directed to surrender before the court below and seek regular bail and the court below shall dispose of the bail petition on the same day of its filing in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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