

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 57936 of 2018

Arising Out of Complaint Case No.-1910 Year-2016 Thana- PATNA COMPLAINT CASE
District- Patna

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Ravindra Rai @ Ravindra Ray, Son of Sri Sone Lal Rai, resident of C/o Satya Narain Singh, House No. 63, Kautilya Nagar Near Veterinary College, P.S.- Shastri Nagar, Town & District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Surendra Prasad, Son of Late Hari Narayan Prasad, resident of Village- Manoharpur Kachchura, P.S.- Gopalpur, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 10-12-2018

Heard learned counsel for the petitioner; learned A.P.P. for the State and learned counsel for the complainant (Opposite Party No. 2), who had appeared *suo motu*.

2. The petitioner apprehends arrest in Complaint Case No. 1910 C of 2016 instituted under Sections 138 of the N.I. Act and 420 of the Indian Penal Code.

3. The complainant has alleged that the petitioner had given six cheques amounting to Rs. 30,00,000/-, which were returned with the endorsement of the Bank that the funds are insufficient. The complainant contacted the petitioner but was



threatened and, thus, finally legal notice was sent on 26.05.2016, but inspite of that, the petitioner is alleged not to have given the money.

4. Learned counsel for the petitioner submitted that there was business relationship between the parties and that he had transferred Rs. 5,00,000/- through R.T.G.S. to the account of the Opposite Party No. 2 (complainant). It was further submitted that the petitioner and his wife are not on good terms and because of an order of the Court she is residing in the house of the petitioner and, thus, she was taken into collusion and the signed cheques have been presented in the Bank by the Opposite Party No. 2, which were returned. It was further submitted that the petitioner is ready for compromise.

5. Learned A.P.P. and learned counsel for the Opposite Party No. 2 submitted that the defence taken is false and the petitioner has not filed any complaint before any authority with regard to theft or misuse of the blank cheques signed by him and the F.I.R. filed by the petitioner is an after thought and much after the occurrence and also after filing of the complaint.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.



7. The application, accordingly, stands dismissed.

(Ahsanuddin Amanullah, J.)

Anand Kr.

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