

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4062 of 2019

Arising Out of PS. Case No.-11 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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Vijay Kumar Gupta @ Ram Chandra Prasad Gupta @ Ram Chandra Gupta
Paras Nath Gupta Resident of Village- Siswa Tola, Amawa, P.S.-Banjariya,
District - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Dhurendra Kumar
For the Opposite Party/s	:	Mr.Ajay Kumar Jha
For the Informant	:	Mr. Anshu Dhar Sharma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 23-04-2019 This application, for grant of anticipatory bail, arises out of Motihari Town P.S. Case No. 11 of 2018, disclosing offences under Sections 406, 420, 506 and 34 of the Indian Penal Code and Section 138 of the N.I. Act.

Allegation against the petitioner and other accused persons is that they have taken altogether Rs. Ten lakhs from the informant for sale of nine dhurs of land and, thereafter, they did not execute the sale deed in favour of the informant and when the informant demanded her money, the petitioner gave a cheque of Rs. Ten lakhs, which was dishonored by the bank on presentation with the note “insufficient fund”.

Submission of learned counsel for the petitioner is that the land in question is in the name of Paras Nath Gupta and not in the name of the petitioner and, therefore, there is no occasion for



the petitioner to issue cheque in favour of the informant and further the cheque in question has been issued by his grandfather Ramchandra Prasad Gupta and not by the petitioner.

Heard learned APP as well as learned counsel for the informant and perused the case diary, from which, it appears that in para – 66 of the case diary disclosed that on verification, it was found that the cheque has been issued by Vijay Kumar Gupta and the said cheque was dishonored by the bank on presentation by the informant.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner should surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the basis of materials available on record, without being prejudiced by this order.

This application is, accordingly, dismissed

(Vinod Kumar Sinha, J)

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