

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19849 of 2019**

Arising Out of PS. Case No.-868 Year-2016 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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VISHWANATH PRASAD @ BHISM Son of Badri Shah Resident of Village
- Pakridayal Bazar, P.S.- Pakridayal, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Keshaw Kumar Singh Son of Late Ram Narayan Singh Resident of
Mohalla- Shanti Nagar, NH 28A, Minority Hostel, P.S.-Chhatauni, District-
East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh
Mr. Anil Kumar

For the Opposite Party/s : Dr. (Mrs.) Indihar Kumari

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 27-09-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Complaint Case No. C868 of 2016, Trial No. 2130 of 2017
disclosing the offence under Sections 323, 406 of the Indian
Penal Code and Section 138 of Negotiable Instruments Act,
1881.

It is alleged in the complaint petition that the
petitioner had issued a cheque in favour of the complainant for a
sum of Rs. 10 lakhs against savings bank account of the
petitioner maintained in HDFC Bank. It is the allegation in the
complaint petition that the petitioner had already closed his



Bank account against which he had issued cheque, which the complainant learnt when he presented the cheque before the Bank.

This is not in dispute that the petitioner had closed his Bank account against which he had issued the cheque. In that background, submission made on behalf of the petitioner that no offence under Section 138 of the Negotiable Instruments Act nor offence under Section 406 of the IPC is made out, is of no avail in view of the admitted fact that the petitioner had closed his account itself.

In my view, a serious case of cheating is made out against the petitioner. I am not inclined to grant the petitioner privilege of anticipatory bail considering the huge amount involved.

This application is accordingly rejected.

However, the petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

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