

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19367 of 2019**

Arising Out of PS. Case No.-636 Year-2017 Thana- PATNA COMPLAINT CASE District-  
Patna

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Ranjan Kumar @ Rajan Kumar, Gender-Male, aged about 38 years, Son of Sri Jainandan Sharma, Resident of Village- Ghourdaur Road, near Railway line nahar, Gyan Niketan Girls School Patna, Ashiana Digha Road P.S.- Rajiv Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munindra Kumar, Son of Rajeshwar Sharma, Resident of Kopa Kala, P.S.- Naubatpur, District- Patna.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.  
For the Opposite Party/s : Mr. Manish Kumar No2, APP.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

6      05-11-2019                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with Danapur Complaint Case No. 636C of 2017 in which cognizance has been taken by learned Magistrate under Section 420 of the IPC and Section 138 of the N.I Act against the petitioner.

The allegation against the petitioner is that the petitioner has taken a sum of Rs. 6 lakh 30 thousand from the complainant. It has further been alleged that against the payment of the aforesaid amount a cheque of Rs. 5 lakh was given to the



complainant by the petitioner which has bounced due to insufficient fund.

Mr. Ajay Kumar Thakur, learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of mala fide complaint inasmuch as from perusal of the asset of the company as well as statement available, it would be evident that amount in question was given in the account of the Company namely Plazma Biotech in which the wife of the complainant, brother-in-law and friend of the complaint are directors. Learned counsel further submits that the petitioner was one of the Directors of the said company and subsequently resigned and the control of the company was in the hands of the wife of the complainant and other family members and friend of the complainant. Learned counsel further submits that the cheque of the company was misused and the signed cheque of the petitioner in the capacity of the Director of the said company was clandestinely presented for encashment before the Bank for which the petitioner has got no knowledge and information. Learned counsel further submits that from perusal of the complaint, it appears that no prima facie offence under Section 420 of IPC is made out and an offence under Section 138 of NI Act can be



said to be applicable in this case which is bailable in nature.

On the other hand, learned counsel for the complainant vehemently opposes the prayer of anticipatory bail and submits that the petitioner with dishonest intention had issued a cheque of Rs. 5 lakh against the repayment of amount taken from the complainant which has bounced due to insufficient fund.

Having regard to the submissions made by the parties and taking into consideration the fact that prima facie it appears that the cheque given by the petitioner to the complainant in the capacity of the Director of the Company from which the petitioner has already resigned has bounced and there is special provision under NI Act for prosecution of the person who has signed the cheque, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-V, Danapur in connection with Danapur Complaint Case No.



636C/2017 of 2019, subject to the condition as laid down under  
Section 438(2) of the Cr.P.C.

**(Anil Kumar Sinha, J)**

Anjula/-

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