

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17872 of 2019

Arising Out of PS. Case No.-2106 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

CHANDESHWAR CHAUDHARY, Son of Late Bisundev Chaudhary, House No.- E1- 14, Mohalla- Alkapuri, Bhagwanpur, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajay Kumar, Son of Shivjee Singh, Resident of Mohalla- Panchvati, Shivnagar, Rewa Road, Bhagwanpur, P.S.- Sadar, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore
For the Opposite Party/s : Mr.Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 23-07-2019 The petitioner apprehends his arrest in connection with Complaint Case No. 2106 of 2018 registered under Sections 420 and 406 of the Indian Penal Code and 138 of the Negotiable Instrument Act.

Allegation against the petitioner is that petitioner along with other accused, who is son of the petitioner, arrived at the shop of the complainant and purchased cloths worth Rs. 73,701/- . It has further been alleged that two cheques of Rs. 30,000/- and 21,000/-, signed by the son of the petitioner, were given in favour of the complainant, but the same got dishonoured.

Learned counsel appearing on behalf of the petitioner submits that petitioner has not committed any offence in the



manner alleged. He submits that cheques had admittedly been issued by the son of the petitioner for which offence under 138 of N.I.Act has already been alleged against him and the petitioner has unnecessarily been dragged in this case inasmuch as he has not issued any cheque in favour of the complainant. He further submits that on the basis of allegation made in the complaint, no *prima facie* case under Sections 406 and 420 of the Indian Penal Code is made out against the petitioner.

On the other hand, Mr. Pankaj Kumar Singh, learned counsel for the informant, vehemently opposes the prayer for anticipatory bail and submits that many cases of similar nature are pending against this petitioner and his son and they are in habit of issuing cheques which get dishonoured after its presentation to the bank, and drawing attention of this Court towards paragraph no. 3 of the bail application, learned counsel submits that petitioner has suppressed the facts that other cases are also pending against him.

In reply, learned counsel for the petitioner submits that petitioner had no knowledge about the pendency of other cases inasmuch as no summons was served upon the petitioner in that regard.

After having heard learned counsel for the parties and



taking into consideration the fact that on the basis of statement made in the complaint, *prima facie* offence under Section 138 of the N.I.Act is made out against the petitioner, which is bailable in nature as the cheques, given by the son of the petitioner, have allegedly been bounced, as such I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Sub Judge-16-cum-ACJM-15, Muzaffarpur in connection with Complaint Case No. 2106 of 2018, Tr. No. 1497 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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