

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35930 of 2019**

Arising Out of PS. Case No.-1282 Year-2015 Thana- ROHTAS COMPLAINT CASE
District- Rohtas

=====

RAJENDRA CHAUDHARI @ RAJENDRA SINGH @ RAJENDRA
KUMAR @ CHAUDHARI RAJENDRA SINGH Son of Late Ashmuni
Choudhary Resident of Village- Patadhi, P.S.- Shivsagar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vineet Kumar Singh S/o Shri Chandrama Singh Resident of Village and
P.O.- Devkhaira, P.S.- Kochas, District- Rohtas.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 420, 120B of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

The prosecution case, in brief, is that the informant submitted a written complaint before the Officer-in-Charge, Shivsagar Police Station alleging therein that the named accused persons motivated to sale basmati paddy in their centre, which



was established at the Dalan and Khalihan of the petitioner. It is further alleged by the informant that the cheque issued by co-accused, Niladri Gupta has been dishonoured by the bank on the ground of insufficiency of fund in the account.

It has been submitted by the counsel for the petitioner that petitioner is innocent and has been falsely implicated in the present case. It has further been submitted that the cheque has not been issued by the petitioner and it was one Niladri Gupta, who had purchased the paddy from the farmers and issued cheques for Rs. 2,05,062/- and the petitioner is only the owner of the place which was used for storing paddy and is nowhere concerned in committing the offence. Hence, no case under section 138 of the Negotiable Instrument Act is made out against the petitioner.

Since the petitioner has neither issued cheque in favour of the informant nor he is engaged in the sale or purchase of paddy, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-cum-S.J.-XII, Rohtas at



Sasaram in connection with Complaint Case No. 1280 of 2015,
Tr. No. 116 of 2018, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

devendra/-

U		T	
---	--	---	--

