

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23484 of 2019

Arising Out of PS. Case No.-145 Year-2018 Thana- VISHNUPAD District- Gaya

RANJEET KUMAR Son of Arjun Prasad @ Arjun Prasad Singh Resident of
Mohalla - Dandibag, P.S.- Vishnupad, District - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 12-04-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Vishnupad P.S. Case No. 145 of 2018 for the offence under Sections 406 and 420 of the Indian Penal Code Section 138 of the N.I. Act.

The petitioner is said to have issued a cheque worth Rs. Ten lakh in favour of the informant and when he presented the cheque for encashment, he was informed that the petitioner had asked the bank before hand to stop payment. With this allegation, the First Information Report has been registered.

Learned counsel appearing on behalf of the petitioner has submitted that the cheque-book of the petitioner was fraudulently obtained by the informant, in which regard, the petitioner had already intimated the police much before the alleged date of issuance of cheque. The liability of payment of



the said amount is being completely denied by the petitioner. Reliance is being placed on a decision of the Supreme Court in case of ***Raj Kumar Khurana Vs. Respondent: State of (NCT of Delhi) and Ors.*** reported in **(2009) 6 SCC 72**, to submit that in a case of lost cheque, offence under Section 138 of the N.I. Act, cannot be said to be made out.

However, considering the gravity of the offence involving huge amount of money, this application is liable to be dismissed and is accordingly dismissed.

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

(Chakradhari Sharan Singh, J)

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