

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.76946 of 2018

Arising Out of PS. Case No.-867 Year-2017 Thana- COMPLAINT CASE District- Araria

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1. Rakesh Ranjan, son of Ramchandra Singh
 2. Ashok Singh @ Ashok Kumar Singh, son of Late Kulanand Singh, both Residents of Village- Paikpar, P.S. Bhargama, District- Araria

... Petitioners

Versus

1. State Of Bihar
2. Roushan Kumar Manman, son of Vijaykant Jha, Resident of Village- Raghunathpur, Dakshin, P.S. Bhargama, District- Araria

... Opposite Parties

Appearance :

For the Petitioners : Mr. Bijendra Kumar Singh, Adv.

For the Opposite Parties : Mr. Surendra Prasad Singh, APP 143

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

8 07-08-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Complaint Case No. 867C of 2017 for the offences alleged under Sections 323, 379, 504, 420, 406 and 384 of the Indian Penal Code and 138 of the Negotiable Instrument Act.

The accusation is that petitioner no. 1, who is a petty contractor, approached the complainant/opposite party no. 2, who is a reputed contractor, and made request to help him as his contract is going on, but, due to lack of money he is not able to complete the work and on his request, complainant/opposite party no. 2 gave Rs.4,00,000/- on assurance that in profit the petitioner no. 1 will give the amount to complainant/opposite party no. 2. After completion of work, petitioner no. 1 did not give money, the complainant/opposite party no. 2 made due



pressure, thereafter, petitioner no. 2, issued two cheques of Rs.2,00,000/- on 27.10.2016 and told that there is no balance in the account and requested to deposit the cheques after 20 days. When the complainant/opposite party no. 2 deposited the cheques it got dishonoured. Several requests were made to petitioner no. 1, but, no heed has been paid and lastly the complainant/opposite party no. 2 was asked to come at the house of petitioner no. 1. When the complainant/opposite party no. 2 went at the house of petitioner no. 1, petitioner no. 2, Ashok Singh @ Ashok Kumar Singh, along with some others, were present there. On the order of petitioners 1 and 2, the complainant/opposite party no. 2 was confined in a room, assaulted and Rs.20,000/- was snatched from his pocket. They also took the thumb impression of the complainant/opposite party no. 2 on two stamp papers.

Learned counsel appearing for the petitioners submits that in fact the complainant/opposite party no. 2 has filed a separate case regarding dishonour of cheques, which are said to be issued by petitioner no. 1. The learned counsel for the petitioner no. 1 submits that in fact the cheques were lost in course of carrying the same in the bag regarding which he has filed the informatory petition to Bhargama Police Station on



17.06.2018. Further submission is that petitioner no. 2, Ashok Singh @ Ashok Kumar Singh, had given the cash of Rs.1,00,000/- to complainant/opposite party no. 2 and he handed over the cheque for same amount, but, same was dishonoured, then, after sending legal notice, petitioner no. 2 filed the case against the complainant/opposite party no. 2, due to that reason petitioner no. 2 has been implicated in this case.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the provisional anticipatory bail granted to petitioner no. 2, Ashok Singh @ Ashok Kumar Singh, on 15.01.2019 is hereby confirmed.

However, taking into consideration the nature of allegation, as made against petitioner no. 1, Rakesh Ranjan, his prayer for pre-arrest bail is rejected. Petitioner no. 1 is directed to surrender before the trial Court and seek regular bail, which shall be considered on its own merit.

(Rajendra Kumar Mishra, J)

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