

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38426 of 2019

Arising Out of PS. Case No.-1929 Year-2015 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Vijay Prasad @ Vijay Prasad Gupta, Son of Late Vishwanath Prasad
 2. Geeta Debi Wife of Vijay Prasad @ Vijay Prasad Gupta
Both are resident of Village - Dumari, P.S.- Yogapatti, District - West Champaran, at present residing at Rajguru Chowk Purani Gudari Bettiah, P.S.- Bettiah Town, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Son of Jamadar Prasad Resident of Village - Dumari, P.S.- Yogapatti, District - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Adv.

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 16-09-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 420 of the Indian Penal Code registered in connection with Trial No.3807 of 2018 arising out of Complaint Case No.1929-C of 2015.

3. It is submitted that the petitioners have been falsely implicated and the present complaint has been filed on 22.08.2015 in retaliation to the FIR bearing Bettiah Town P.S. Case No.498/2015 lodged by the petitioner no.1 on 01.08.2015 in connection with alleged theft of cheques. It is further submitted that the petitioner no.2 has not issued any cheque to the complainant rather the signature has been forged by the complainant. In any event it is submitted that the dispute between the parties is of civil nature. Moreover, as far as petitioner no.2 is concerned, the cognizance has



been taken only under Section 138 N.I. Act, which is bailable in nature.

4. In that view of the matter, the provisional bail granted to the petitioner no.1 by order dated 28.06.2019 in connection with Trial No.3807 of 2018 arising out of Complaint Case No.1929C of 2015 pending in the Court of Sri Manoj Kumar, learned Judicial Magistrate, Ist Class, Bettiah, District-West Champaran shall be confirmed upon verification within a period of four weeks that the petitioner no.1 has not been made accused in Bettiah (Manuapul) P.S. Case No.200/2013, Yogapatti P.S. Case No.40/2010 and Bagaha P.S. Case No.265/2009, failing which his bail bond shall stand automatically cancelled.

5. As regards petitioner no.2, considering that the cognizance has been taken only under Section 138 of the N.I. Act which is bailable, the petition for grant of anticipatory bail by petitioner no.2 is not maintainable and dismissed as such and her bail bond stands cancelled.

(Vikash Jain, J.)

Prakash Narayan /-

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