

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41357 of 2019**

Arising Out of PS. Case No.-2209 Year-2018 Thana- VAISALI COMPLAINT CASE  
District- Vaishali

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SUMAN KUMAR HIMANSHU. Son of Late sharada Nand Singh Resident  
of Village- Mandaidih, P.S.- Patepur, District- Vaishali.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Mithlesh Singh Son of Ganesh Singh Resident of Village- Mandaidih, P.S.-  
Patepur, District- Vaishali.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Uday Pratap Singh

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 3      20-09-2019              The petitioner apprehends his arrest in connection with  
  
Complaint Case No. 2209 of 2018 in which cognizance under  
  
Section 406 of the Indian Penal Code and Section 138 of the  
  
Negotiable Instrument Act, has been taken by the learned  
  
Magistrate.

Allegation against the petitioner, as per complaint, is that  
  
a sum of Rs. 15 lacs was given to the petitioner by the  
  
complainant for the purpose of purchasing 111 decimals land  
  
belonging to the petitioner. It has further been alleged that sale  
  
deed of the land was not executed in favour of the complainant  
  
and when the complainant demanded his money back, four  
  
cheques to the tune of Rs. 15 lacs were given to the complainant



by the petitioner, which got bounced with endorsement insufficient fund.

Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case inasmuch as there was no agreement for sale between the complainant and the petitioner and there is no proof of payment of a sum of Rs. 15 lacs in favour of the petitioner by the complainant by cash. Learned counsel further submits that in fact petitioner was running a Customer Service Point of State Bank of India in the village and blank signed cheques of the petitioner have been misused by the complainant. Learned counsel further submits that however, upon perusal of the statement made in the complaint, at best an offence, under Section 138 of N.I.Act, has been made out against the petitioner, which is bailable.

On the other hand, learned counsel appearing on behalf of the O.P.No. 2 vehemently opposes the prayer for anticipatory bail and submits that land in question for which a sum of Rs. 15 lacs was given in cash by the complainant to the petitioner, has been sold to some other person and cheques given by the petitioner have got bounced, as such petitioner does not deserve privilege of anticipatory bail.



Having regard to the submissions made by the parties and taking into consideration the fact that cheques given by the petitioner has bounced for which cognizance under Section 138 N.I.Act has already been taken by the learned Magistrate, 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 III-cum-ACJM-II, Vaishali in connection with Complaint Case No. 2209 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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