

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57580 of 2018

Arising Out of PS. Case No.-160 Year-2018 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Rajesh Kumar son of Baleshwar Thakur, Resident of village.- Patahi, P.S.-
Sadar, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State Of Bihar
2. Md. Alam Son of Md. Usman, Resident of village - Abdul Mannan Market
Near Sadar P.S., Bhagwanpur Post Patahi, P.S.- Sadar, District- Muzaffarpur.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Baxi S.R.P. Sinha, Sr. Advocate Mr. Jitendra Narain Sinha, Advocate
For the State	:	APP
For Opposite Party No.2	:	Mr. Krishna Kant Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 20-02-2019 Heard learned senior counsel for the petitioner, learned
APP for the State as well as learned counsel for the opposite party
no. 2.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 406, 420 and 120B/34 of the Indian Penal
Code and Section 138 of the Negotiable Instrument Act registered in
connection with T.R. No. 2136 of 2018 arising out of Complaint Case
No. 160 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and the transaction in question merely is of civil nature
involving agreement for grant of franchisee of the accused no. 4 -
company to the complainant. It is submitted that part repayment has
been made by the company in the past. It is further submitted that in
any event, the offence under Section 138 of the Negotiable
Instrument Act is bailable in nature.

4. Learned counsel for the complainant-opposite party no.
2 appears and opposes the anticipatory bail petition, submitting that



the two cheques dated 14.09.2017 for Rs. 10,00,000/- each have been issued by the petitioner in his personal capacity as evident from the cheques itself. Photo copies thereof have been produced. It is therefore submitted that the cheques having not been issued by the co-accused Company but by the petitioner in his personal capacity shows his intention to cheat the complainant.

5. Pursuant to the order dated 17.01.2019, learned senior counsel for the petitioner states on instruction that he is merely an employee of the co-accused Company and is therefore not willing to make payment of the amount of the two cheques in question. The photo copies of the two cheques produced by the complainant are admitted as the correctness of the photo copies thereof has not been disputed.

6. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed.

7. The provisional bail granted to the petitioner by order dated 28.09.2018 shall stand cancelled.

BT/Chandran

(Vikash Jain, J)

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