

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56557 of 2019

Arising Out of PS. Case No.-229 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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AMAR YADAV S/o Shri Sharda Yadav R/o village- Baithbaliya, P.O.-
Tribhuwani, P.S.- Bhairoganj, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Motani S/o Anjani Kumar Motani R/o Mohalla- Ujjain Tola, P.S.-
Bettiah Town, District- West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Pancha Nand Pandit

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-09-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Bettiah Town Police Station Case No. 229 of 2019,
disclosing offences under Sections 420/406 of the Indian Penal
Code and Section 138 of the Negotiable Instruments Act, 1881.

The allegation against the petitioner, as per the First
Information Report, is that the petitioner purchased a tractor
from the informant and gave Rs. 4,69,860/- towards the price of
the tractor and when the informant demanded the balance
amount of Rs. 1,72,900/-, the petitioner gave a cheque of Rs.
1,72,900/-, but the same bounced due to insufficient fund.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to the fact that the petitioner, on 05.09.2018, had filed a complaint case against the henchmen of the informant inasmuch as the tractor of the petitioner was forcibly taken away by them at the behest of the informant. He, thus, submits that as a counter blast, the present First Information Report has been lodged by the informant based upon a concocted story. He further submits that in fact, the petitioner had purchased the tractor and entire amount towards the price of the same was paid by him. He further submits that a blank cheque was given to the informant at the time of agreement as a security, but the informant has misused the same and presented the cheque in the bank claiming the unpaid amount, which was not due to the informant. He further submits that from perusal of the First Information Report, at best, only the offence under Section 138 of the Negotiable Instruments Act, 1881 would be made out against the petitioner.

After having heard learned Counsel for the parties and taking into consideration the fact that petitioner had earlier lodged a complaint case against the henchmen of the informant, claiming that his tractor was being forcibly taken away and from



perusal of the First Information Report, it appears that the cheque given by the petitioner has bounced due to insufficient fund, I am inclined to grant the petitioner privilege of anticipatory bail.

Accordingly, this application is allowed.

Let the petitioner, Amar Yadav, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, at Bettiah, in connection with Bettiah Town Police Station Case No. 229 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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