

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56674 of 2019

Arising Out of Case No.-2506 Year-2017 SARAN COMPLAINT CASE District- Saran

RAJ NARAYAN SINGH Son of Nagnarayan Prasad Singh @ Nagnarayan
Singh Resident of Mohalla - Chhota Telpa, P.S.- Chapra Town, District- Saran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shivjee Kumar Ray Son of Late Hari Charan Ray Resident of Mohalla -
Dahiyawan Tola, Western Gali of Nayansukh Chasma Shop, P.S.- Chapra
Town , District- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ankur Prakash Sinha
For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-09-2019 Heard both sides.

The petitioner apprehends his arrest in Complaint case No. 2506 of 2017 for the offences allegedly committed by the petitioner under Section 420 of the IPC and u/s 138 of N.I. Act.

The complainant alleged that petitioner agreed to sale a piece of land and demanded Rs. One lakh. The complainant handed over Rs. One lakh to the petitioner on 26.01.2016. Thereafter, the petitioner issued a cheque of Rs. One lakh on 13.07.2017 to the complainant but when the complainant presented the cheque on 13.06.2017 the cheque was dishonoured.

The learned counsel for the petitioner submits that the complainant has stated in the complaint petition that petitioner handed over a cheque to the complainant on 13.07.2017 but it is stated that the cheque was presented in the bank on 13.06.2017. The complainant himself with ulterior motive presented the



cheque before the date on which the cheque was issued. It is submitted that complainant had taken three cheques from the petitioner and he gave the cheques to other persons who also lodged Complaint case Nos. 2410 of 2017 and 2528 of 2017.

It appears from perusal of the complaint petition itself that the complainant stated in paragraph 6 of the complaint petition that the accused handed over the cheque dated 13.07.2017 of Rs. One lakh drawn in HDFC bank but the complainant presented the cheque in the State Bank of India for clearance on 13.06.2017. The notice was given on 22.07.2017 but the complaint petition was filed on 09.08.2017 before expiry of statutory period of one month.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Saran at Chapra in connection with Complaint case No. 2506 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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