

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54004 of 2019

Arising Out of PS. Case No.-659 Year-2018 Thana- SAHARSA District- Saharsa

BINOD KUMAR SINGH Son of Late Shaligram Singh Resident of Village-
Gang Jala Tiranga Chock, Ward No.15, P.S.- and District- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Surendra Mohan

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 03-03-2020 Heard the parties.

This application is for grant of regular bail in connection with Saharsa P.S.Case No.659 of 2018 dated 1.6.2018 for the offences under Sections 406 and 420 of the Indian Penal Code and Section 138 of the N.I. Act.

Petitioner is not named in the FIR. It is alleged that he has taken Rs.12.40 lac from the informant for executing sale-deed but he has not executed the sale-deed and later on he issued two cheques of Rs.06 lac and Rs.6.40 lac but that have bounced.

Submission of the learned counsel for the petitioner is that the whole allegation is false and concocted. As a matter of fact the petitioner and the informant are partner and due to wrong calculation of the business transaction, the dispute



arose between the parties and in good faith the petitioner has put signature over the cheques and handed over the said cheque for supply of brick stones and further the FIR does not show the date of agreement nor cheque number has been mentioned in the FIR, as such the prosecution case is false and concocted. Informant had earlier lodged a case against the petitioner and others by way of Complaint Case No.606(C) of 2018 under Section 420, 467, 468 and other Sections of the Indian Penal Code, that has been sent for registration under Section 156(3) of the Cr.P.C. and Saharsa Sadar P.S. Case No.787 of 2018 was instituted on that basis. Apart from that it is also submitted that it is a case in the nature of civil dispute and for that a suit of specific performance of the contract may be filed.

Heard learned A.P.P. and the learned counsel for the informant, who has drawn my attention towards order dated 27.11.2019, which shows that he is ready to settle the dispute and he has been granted provisional bail for a period of one month but after one month he has not surrendered even not getting the provisional bail extended that is amongst misuse of the privilege of the provisional bail granted by this Court. It is further submitted that from perusal of the application itself it will appear that the petitioner has taken contradictory stand as



he has stated that two cheques have been issued in the business transaction that have been produced by the informant with intention to commit fraud and cheque number has not been mentioned. Petitioner has not denied the allegation made in the First Information Report, as such the petitioner does not deserve bail.

Having heard both sides and considering the above fact and circumstances, the provisional bail granted to the petitioner, vide order dated 27.11.2019 is recalled, the prayer for bail of the petitioner is rejected. He is directed to surrender before the learned court below at once, otherwise the learned court below is directed to take steps for his appearance in the case.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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