

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63726 of 2019

Arising Out of PS. Case No.-62 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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PANKAJ KUMAR SINGH Son of Late Bhairav Prasad Singh Resident of
Village - Bangarhatta, P.S.- Singhia, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Amit Kumar Rakesh, APP
For the Complainant	:	Mr. Abhay Shankar Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

8 06-10-2020 Heard learned counsel appearing for the petitioner,

learned Additional Public Prosecutor for the State as well as

learned counsel appearing for complainant through video

conferencing.

Petitioner apprehends his arrest in connection with

Complaint Case No. 62/2018 in which cognizance for the

offences punishable under Sections 406, 420, of the Indian

Penal Code and 138 of Negotiable Instruments Act has been

taken.

The complainant claims in his complaint petition that

he advanced money to petitioner for supply of building

materials but the petitioner did not supply the building

materials and, thereafter, when complainant asked the petitioner



to return his money, the petitioner issued a cheque of Rs. Nine lacs but when the aforesaid cheque was presented before the concerned bank, the same became dishonoured.

Learned counsel appearing for petitioner submits that, as a matter of fact, one Jibach Pradhan was employee of the petitioner and petitioner used to give blank cheque to said Jibach Pradhan in course of his business transaction and the said Jibach Pradhan along with complainant implicated the petitioner in this false case. He, further, submits that even if the prosecution story assumed to be true then also it is a case of civil nature.

On the other hand, learned counsel appearing for complainant opposed the prayer pointing out that after filing of the present case, the petitioner filed complaint case against the complainant and Jibach Pradhan in the year 2019 and in the aforesaid case, the petitioner admitted his signature on the cheque in question. He, further, submits that complainant has, specifically, pleaded in his counter affidavit that complainant had withdrawn the amount in question from his account and, thereafter he had given the said amount to petitioner.

Regard being had to the facts and circumstances as well as submissions of the parties, I do not think it proper to



extend the privilege of anticipatory bail to the petitioner and accordingly, his prayer for anticipatory bail stands rejected.

However, this order shall not cause any prejudice to the concerned court at the time of consideration of regular bail application of the petitioner.

(Hemant Kumar Srivastava, J)

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