

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73812 of 2019

Arising Out of PS. Case No.-193 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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BHUPENDRA ACHARYA Son of Mum Bahadur Acharya M/S Taj Technotech Ltd., G-502, 5th floor city center Matigaha, Utrayan Siliguri (W.B) and B-2/232 Maa Basant Kunj, New Delhi, P.S-Basant Kunj, New Delhi At Present-Bindeshwari Plaza, Plot No.3202 Kidwaipuri, P.S.-Buddha Colony, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Kumar Pandey Son of Sri Raj Kishor Pandey A/P Village-Betaura, P.O. and P.S.-Beur, District-Patna, Previous Address-Mohalla-Mahavir Colony, P.O. and P.S-Beur, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar
For the Opposite Party/s : Mr.Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 05-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Complaint Case No. 193(c) /2015 in which cognizance has been taken under Section 406 of the Indian Penal Code and 138 of N.I. Act.

The prosecution case in short is that the accused persons issued two cheques amounting to Rs. 10 lakhs and later the same were bounced.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.6.2019. There is no



allegation of tampering of witnesses alleged against the petitioner. It is submitted on behalf of the petitioner that the agreement was made with the firm of the petitioner and one Ritesh Kumar. The agreement was in connection with C & F agency of the firm to which the petitioner is the Managing Director. It is further submitted that no cheque has been signed by the petitioner in favour of the complainant.

On behalf of the complainant, it is submitted that the complainant is working as an employee in S.R. Enterprises. Under the authorization of the firm, the complainant has filed the complaint case against the petitioner who happens to be the Managing Director of Taj Technotech Ltd. As per the complainant, two cheques were issued being the Managing Director of the Taj Technotech Ltd. in favour of S.R. Enterprises to which the complainant is an employee and has the authorization for pursuing the case. The cheques are for an amount of Rs. 6 lakhs and 4 lakhs respectively. The said cheques had bounced and for the said reason, the present prosecution was brought against the petitioner. The petitioner has criminal antecedents and a number of such cases are pending against him.

Admittedly, the signature on the issued cheques are of



the petitioner . The complainant is a poor person and under the authorization, he has brought the present prosecution.

Considering the nature of accusation, I am not inclined to grant bail to the petitioner. The same is rejected.

(Sudhir Singh, J)

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