

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.81376 of 2019

Arising Out of PS. Case No.-165 Year-2016 Thana- MAJHAULIA District- West Champaran

AWADHESH YADAV, aged about 39 years, Male, Son of Sh. Amar Yadav,
Resident of Village - Goda Semra, Lal Saraiya Ward No. 16, P.S.- Majhoulia,
District - West Champaran ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar, Adv.

For the Opposite Party : Mr. Md. Matloob Rab, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 01-07-2020

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state through video conferencing.

The petitioner seeks pre-arrest bail in connection with
Majhoulia P.S. Case No. 165 of 2016, pending in the Court of the
Chief Judicial Magistrate, West Champaran at Bettiah, registered
under Sections 420, 467, 462, 471 and 406 of the Indian Penal Code.

The accusation is that the informant, Sanjay Motani, is the
proprietor of the Auto Agency Dealer, Swaraj Tractor. On 27.11.2015,
petitioner, Awadhesh Yadav, approached the Agency to purchase the
Swaraj tractor on price of Rs.5,81,000/- out of which Rs.4,70,000/-
was advanced as loan to the petitioner through Mahindra Finance and
out of remaining amount of Rs.11,000/- was paid by the petitioner in
cash and a cheque, bearing no. 556859, dated 05.03.2016, amounting
to Rs.1,50,000/- of Gramin Bank was handed over, but, when cheque
was presented for encashment, the same was dishonoured, due to
insufficient money. In spite of much request and legal notice, as sent
on 22.04.2016, petitioner did not take any heed to pay the amount of



aforesaid cheque.

The learned counsel appearing on behalf of the petitioner submits that the Auto Agency of the informant seized the tractor of the petitioner without any authority, then, the petitioner filed the Complaint Case No. 600 of 2016 on 12.04.2016, which was sent under Section 156(3) of the Criminal Procedure Code and on which basis police instituted the case against the informant of the present case.

It appears from paragraph 74 of the case diary that the cheque as handed over by the petitioner in favour of the informant, w got dishonoured due to insufficient money.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected**. The petitioner is directed to surrender before the Court below and seek regular bail, which will be considered on its own merit and without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

Shamshad/-

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