

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79862 of 2019

Arising Out of PS. Case No.-224 Year-2018 Thana- RAJPUR District- Buxar

RABINDRA NATH SINGH @ RABINDRA NATH, aged about 50 years, Gender-Male, S/O Shukul Narain Singh, Resident of Village - Udhpara, P.S.-Durgawati, District-Kaimur. At Present Vrindavan Vihar, Lane No. 1, Near Boys Hostel, Balawala, P.S. Balawala, Dist-Dehradun (Uttarakhand), Pin-248001.

... .. Petitioner

Versus

1. The State of Bihar.
2. Janardan Singh, aged about 46 years, Gender-Male, S/O Hawaldar Singh, Resident of Village-Devi Dihra, P.S.-Rajpur, District- Buxar. At Present- Village- Kheri Shikohpur, Near Hazarat Hingusha Peer, Block and Tahsil- Bhagwanpur, P.S. - Bhagwanur, District-Haridwar (Uttarakhand), Pin-247662.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Krishna Prasad Singh, Sr. Advocate and Mr. Bhaskar Shankar, Advocate.
For the State	:	Mr. Ganesh Prasad Singh, A.P.P.
For the O.P. No. 2	:	Mr. Ramakant Sharma, Sr. Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

10 14-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

On earlier several occasions, at the request of the parties, opportunity was given to the parties to settle the issue by way of one time settlement.

Today, it has been submitted by learned senior counsel for the petitioner that no reconciliation could be arrived at



between the parties.

Heard learned senior counsel for the petitioner, learned senior counsel for the opposite party no. 2 and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 406, 420 of the I.P.C. and 138 of the N.I. Act.

The prosecution story, in brief, is that the petitioner operates a Company, namely, '*Himalyan Biochemi Herbs*' in *Dehradoon District of Uttarkhand State* and on his proposal, the complainant/informant started working as *Manager* in his Company. The petitioner induced the complainant/informant and grabbed Rs. 93,50,000/- of the complainant/informant between the period of 2011-2016 with an assurance to purchase landed property in the name of the complainant/informant. The petitioner also withheld the salary of the complainant/informant to the tune of Rs. 44,10,980/- and after repeated request the petitioner advanced two cheques to the complainant/informant for amount of Rs. 93,50,000/- and Rs. 44,10,980/- which got bounced with endorsement "Payment stopped by Drawer". The petitioner has not replied the legal notice and thereafter the complaint has been filed which came to be registered under



Section 156(3) of Cr. P.C.

It has been submitted by learned senior counsel for the petitioner that the petitioner was in custody since 23.10.2019 and he was granted provisional bail on 05.12.2019. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Both parties are related to each other. The entire prosecution is in respect of business transaction. There was no intention on the part of the petitioner to cause any wrongful loss to the complainant/informant. The matter relates to civil dispute.

On behalf of the learned counsel for the State and learned senior counsel for the opposite party no. 2, it has been submitted that the petitioner is named in the complaint case/F.I.R. The petitioner had issued two cheques total amounting to Rs. 1,37,60,980/- in favour of the complainant/informant. The said cheques in question were dishonored by the Bank. Thereafter, after complying the provision as laid down under the law, the present prosecution has been brought against the petitioner.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the petitioner. The



same is rejected in connection with Rajpur P.S. Case No. 224/2018, pending in the court of learned A.C.J.M.-VII, Buxar. Accordingly, the provisional bail granted to the petitioner vide order dated 05.12.2019 is hereby cancelled.

The petitioner is directed to surrender in the court below within a period of four weeks from today. If the petitioner fails to appear before the court below within the stipulated period the court below shall take necessary steps for production of the petitioner in the present case.

(Sudhir Singh, J)

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