

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.13439 of 2021**

Arising Out of PS. Case No.-1753 Year-2018 Thana- GAYA COMPLAINT CASE District-  
Gaya

MD NASIM @ MOHAMMAD NASIM @ MD. NASEEM S/o Hazi Mumtaz  
Ahmad Resident of 660/7/P-018A. Jahan Nagar, Kursi Road, Near L.B.S.  
College, P.S.- Gurahmba, District- Lukhnow (Uttar Pradesh)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. RAHUL KUMAR SINGH S/o Sri Ajay Narayan Singh Prop. M/S Laxmi  
Narayan Enterprises, at Mohalla- Kiranighat, P.S.- Kotwali, District- Gaya,  
Resident at Dakhin Darwaja, Sisoriya, Chaura Mohalla Chand Chaura, P.S.-  
Vishnupad, District- Gaya

... .. Opposite Party/s

**Appearance :**

|                            |   |                                                                                                     |
|----------------------------|---|-----------------------------------------------------------------------------------------------------|
| For the Petitioner/s       | : | Mr.Niranjan Kumar, Advocate<br>Mr. Kumar Kishan, Advocate                                           |
| For the Opposite Party/s : |   | Mr. Rajesh Ranjan, Advocate<br>Mr. Shakti Suman Kumar, Advocate<br>Mr. Atul Shankar Maria, Advocate |

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR  
ORAL ORDER**

2      21-12-2021                      Heard learned counsel for the petitioner, complainant  
and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is expected to  
honour his undertaking to remove the defects, as pointed out by  
the office, when called upon to do so by the office.

The petitioner is/are apprehending his/their arrest in  
connection with Complaint Case No. 1753 of 2018/ 149 of  
2018 (Trial No. 1615 of 2018 for the offence registered under  
Section 420 of the Indian Penal Code and Section 138 of the  
Negotiable Instrument Act.



The prosecution case in brief is that complainant engaged in the business of mobile smart phones and electronic goods and the petitioner is the Managing Director cum Authorized Signatory of M/s Maxi Multi Services Private Ltd. It is further alleged that an agreement was made between the parties on 02.11.2017 and accordingly goods were supplied to the complainant by the petitioner but the complainant was not able to sell the mobile sets. It is further alleged that as a result of which, a settlement was done between the parties and in pursuance thereof two cheques were given by the petitioner to the complainant, each of Rs. 10 lakhs. The same was bounced due to insufficient fund in the account.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in connection with the present case. It is further submitted that the prosecution is based on the agreement dated 02.11.2017 which is purely civil in nature. It is further submitted that the proceeding under Section 82 and 83 of the Code of Criminal Procedure is not commenced.

Learned counsel for the complainant opposes the prayer for of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his/their



arrest/surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-VI, Gaya in connection with Complaint Case No. 1753 of 2018/149 of 2018 (Trial No. 1615 of 2018), subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

**(Sunil Kumar Panwar, J)**

Jagdish/-

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