

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19487 of 2021

Arising Out of PS. Case No.-4450 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Parimal Kumar Son Of Nandan Singh Resident Of Mohalla - Gola Road
Bakerganj, P.S.- Pirbahore, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Navin Kumar Matte @ Navin Kumar Son of Om Prakash Matte Resident of
East Makhaniya Kuan, P.S.- Pirbahore, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

13 06-12-2022 Heard learned counsel for the petitioner,

complainant and learned APP for the State.

The petitioner is apprehending his arrest in a

complaint case wherein processes were directed to be

issued after cognizance being taken for the offences

punishable under Sections 406, 420 of the Indian Penal

Code and Section 138 of the Negotiable Instruments

Act.

It is alleged against the petitioner that he took

Rs. 10,65,000/- from the complainant as friendly loan



as both were friends and known to each other. The petitioner promised to return the same within a year. However, when money was not returned, the complainant organized a *panchayati* in which the petitioner gave three cheques worth Rs. 10,65,000/- to the complainant which got bounced.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case. The petitioner has taken a loan of Rs. 4,60,000/- from a business committee which was being run by the complainant. At the time of taking loans from the said Committee, the complainant had taken three blank cheques as a security to the petitioner and when the petitioner failed to return the amount on time, the complainant has played fraud by mentioning cash of Rs. 10,65,000/- in three cheques. When the petitioner received such information, he gave an application to the concerned bank to drop the payment. Hence, no case under Section 138 N.I. Act is made out against the



petitioner. The application of the petitioner requesting the bank to stop payment of cheques is annexed as Annexure-2 to the petition.

The petitioner is still ready to make payment of Rs. 4,60,000/- to the complainant, subject to final outcome of the case.

Learned counsel appearing on behalf of the complainant, however claims that Rs. 10,65,000/- was given to the petitioner, but he accepts the offer of the petitioner.

The petitioner is directed to submit a bank draft of Rs. 2,00,000/-(Two Lakhs) drawn in favour of the complainant before learned Court below within a period of eight weeks from today. The learned Court below is directed to hand over the bank draft to the complainant after proper verification. So far as rest amount of Rs. 2,60,000/-(Two Lakhs & Sixty Thousands) is concerned, the same will be paid by the petitioner in two equal installments within a period of two consecutive months



which will be counted after making payment of Rs.
2,00,000/-(Two Lakhs) to the complainant.

The aforesaid payment will be subject to the
final outcome of the case.

In the facts and circumstance of the case, let
the petitioner, above named, in the event of his arrest or
surrender before the Court below within a period of eight
weeks from today, be released on anticipatory bail on
furnishing bail bonds of Rs. 10,000/-(Ten Thousands)
with two sureties of the like amount each to the
satisfaction of learned Chief Judicial Magistrate, Patna in
connection with Complaint Case No. 4450(C) of 2018,
subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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