

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13899 of 2021**

Arising Out of PS. Case No.-1681 Year-2015 Thana- ROHTAS COMPLAINT CASE
District- Rohtas

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MUNNA KUMAR SAH Son of Late RaghuverSah Resident of village-
Charnadh (Barkagaon), Police Station - Nokha, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. AJAY KUMAR SINGH Son of Biswanath Singh Resident of village -
Mujrath, Police Station - Nokha, District - Rohtas at Sasaram.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. APP
For the OP No. 2	:	Mr. Sunil Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 15-04-2022 Heard Mr. Raghunandan Kumar Singh, learned

Advocate for the petitioner and Mr. Sunil Kumar Singh for the

complainant/opposite party no. 2.

The petitioner seeks bail in anticipation of his arrest in
connection with Complaint Case No. 1681 of 2015 dated
16.12.2015 in which cognizance has been taken under Sections
420 and 504 of the Indian Penal Code.

The accusation in the complaint petition is that
opposite party no. 2 had delivered 285 bags of wheat to the
petitioner for which he had issued two cheques on persistent
reminder by opposite party no. 2, but in one of the cheques
wrong account number has been given whereas the other cheque



of Rs. 2,35,250/- bounced because of lack of sufficient fund in his bank account.

Hence, this case.

The learned counsel for the petitioner has submitted that cognizance has not been taken under Section 138 of the Negotiable Instruments Act.

He further submits that the accusation is absolutely false as there is a dispute between the opposite party no. 2 and his father, who actually is a farmer and from whom the petitioner had purchased wheat. In fact, every amount has been paid to the father of the petitioner and there was a dispute only with respect to Rs. 6000/-.

The opposite party no. 2, according to the petitioner, is a postal clerk, who has wrongly stated in the complaint petition that several of such farmers were aggrieved by the conduct of the petitioner. In fact, none of such persons about whom reference has been made in the complaint petition have come up with any demand or have filed any case against the petitioner.

As opposed to the aforesaid contention, Mr. Sunil Kumar Singh, learned Advocate for the opposite party no. 2, has submitted that such a defence is not plausible, as there is no



difference of opinion between the opposite party no. 2 and his father. Had it been the case, the father of opposite party no. 2 would surely have made some statement in favour of the petitioner.

Be that as it may, learned counsel for O.P. No. 2 has only informed this Court that a proceeding under Sections 82 and 83 Cr.P.C. has been initiated against the petitioner.

Neither the O.P. No. 2 nor the petitioner but have got any idea whether the petitioner has been declared an absconder.

Considering these aspects of the matter and the vagueness of the accusation, the provisional bail granted to the petitioner *vide* order dated 25.02.2022 is, hereby, confirmed.

The petitioner shall remain on the same bail bonds, subject to the confirmation by the court below that the petitioner has not yet been declared an absconder.

The petition stands allowed and disposed off accordingly.

(Ashutosh Kumar, J)

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