

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4019 of 2022

Arising Out of PS. Case No.-288 Year-2021 Thana- PHULWARIYA District- Gopalganj

Dhrupdev Singh, Son Of Late Brahma Singh R/O Village- Koyaladeva, P.S.-
Phulwaria, District- Gopalganj.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey
For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Section 420
of the Indian Penal Code and Section 138 of the N. I. Act.

The learned counsel for the petitioner submits that the
petitioner has antecedent of two cases and the informant alleges
that he had given Rs. Four Lacs to the petitioner for execution
of the sale deed with respect to three kattha of land, but the sale
deed was not executed by the petitioner. Accordingly, a
panchayati was held in which petitioner issued a cheque of
Rs.3,31,000/- and assured to pay Rs.69,000/- in cash. It is
further alleged that the cheque was presented, but the same
bounced due to insufficient fund. Accordingly, the present F.I.R.



came to be instituted.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that he is aged about 70 years and is retired Headmaster and is issueless and has property on account of which, even the villagers are trying to grab his property for which, he has been implicated in the aforesaid cases falsely. It is next submitted that the petitioner had already executed the sale deed in the Year 2018 in favour of the wife of the informant (Annexure-2 to the anticipatory bail application). It is next submitted that from perusal and tenor of the allegation as alleged in the F.I.R., it appears that the dispute is civil in nature for which, a criminal case has been instituted. It is next submitted that with respect to bouncing of cheque under the N. I. Act, only complaint can be filed and F.I.R. is not maintainable in view of Section 2(d) of the Cr.P.C. and Section 142 of the N. I. Act.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below



within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Phulwariya P. S. Case No.288 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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