

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4626 of 2022

Arising Out of PS. Case No.-211 Year-2021 Thana- SHEKHPURA District- Sheikhpura

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SANJEEV KUMAR S/O RAJESHWAR CHOUHAN @ RAJESHWAR
PRASAD R/o village- Teja Bigha, P.S.- Ariyari, District- Sheikhprura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Sunil Kumar, Advocate
For the Opposite Party/s :	Mr. Raj Kishore Singh
	Mr. Bipin Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-10-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 419, 420,
506 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner has antecedent of one case and the informant alleges
that petitioner in December, 2012 came to his house and said
that two percent interest would be given if investment is made
in Weird Infrastructure Corporation Limited, thereafter
informant deposited Rs. 5 lakhs on two different dates. It is next
alleged that for few months the informant got interest but
thereafter the same stopped, it is next alleged that the company



in lieu of the amount deposited by the informant issued cheque of Rs. 4,98,000/- but the same bounced and thereafter a *panchayati* was held in which the petitioner assured that the amount would be paid back but the informant never got the amount, accordingly he filed a complaint case based on which the present FIR came to be instituted.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations as alleged in the FIR it would manifest that the only allegation against the petitioner is of asking the informant to invest in the company by disclosing the interest rate, it is next submitted that petitioner though was not associated with the company but was working on commission basis. It is further submitted that even company had issued cheque to the informant in lieu of the money deposited, but when the cheque bounced, the informant never made any endeavour to get the money back by filing a complaint under Section 138 of the N.I. Act which amply demonstrates that either the informant was not interested in getting his money back or some arrangement was made between the informant and the company on account of which no complaint under Section 138 of the N.I. Act came to be



instituted. Learned counsel next submits that it absolutely does not stand to reason that why a complaint was instituted by the informant under various Sections of the I.P.C. excluding the N.I. Act based on which the present FIR came to be instituted, it is thus submitted that the informant is trying to coerce the petitioner into submission by putting him into fear of arrest for recovering the alleged amount. It is thus submitted that once the cheque was issued by the company, the liability and duty of the petitioner was over and it was for the informant to pursue his remedies in accordance with law.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that no case under Section 138 of the N.I. Act came to be instituted by the informant despite cheque being issued in his favour by the company.

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, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sheikhpura P.S. Case No. 211 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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