

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15299 of 2020

Arising Out of PS. Case No.-2611 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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ANAND KUMAR S/o Baliram Prasad R/o Mohalla- Henari Bazar, Ward No. 5, P.S.- Town Motihari, District- East Champaran

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Radha Devi W/o Bhagwan Lal Prasad R/o Mohalla- Thakurbari, P.S.- Town Motihari, District- East Champaran

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

14 11-10-2022 Learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as learned counsel for the complainant

The petitioner apprehends his arrest in connection with Complaint Case No. C-2611 of 2018, registered for the offences punishable under Section 420 of the Indian Penal Code and 138 of the N.I. Act.

As per complaint petition, the complainant earns her livelihood by tailoring of clothes and resides with her mother Banarasi Devi. She had two daughters and one son. Her father



died and amount of insurance was given by her mother to the complainant for her livelihood as well as for the marriage of her two daughters. The petitioner has a jewellery shop. The complainant used to go to his shop as such some acquaintance was there between the complainant and the petitioner. The petitioner persuaded her and took rupees twelve lacs on different dates mentioned in the complaint petition from the complainant. He assured to return the money when the occasion of the marriage of her daughter would arise. He made evasions even after persistent demand of the money by the complainant. Lastly he issued cheques description whereof has been furnished in the complaint petition and those cheques were dishonoured by the banks due to insufficient amount in that bank account and the bank account was closed.

Learned counsel for the petitioner has submitted that the entire allegation is false. He has admitted that the account was not closed.

On the other hand, learned counsel for the complainant has submitted that the petitioner possesses two bank accounts and issued cheques of both bank accounts. One bank account was closed and second was operative but there was no amount to honour the cheque.



It is admitted fact that the cheques issued by the petitioner in favour of the complainant have been dishonoured by the bank. As per allegation, after reposing her faith in the petitioner, the complainant handed over huge amount to him, which was kept for marriage of her daughters. I do not think it to be a fit case for anticipatory bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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