

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21315 of 2021

Arising Out of PS. Case No.-435 Year-2019 Thana- RAMPUR District- Gaya

1. P. Ravi Prasad @ Polimetla Ravi Prasad @ Ravi Prasad S/O P. Mariyadasu Resident of Miyapur, Hyderabad, P.S.- Miyapur, District- Ranga Reddy., the Executive Director, M/s Ramky Infrastructure Pvt. Ltd. having registered office at Ramky Grandiose, 15 Floor, Survey No. 136/2 and 4, Gachibowli, Hyderabad (Telangana)
2. Rajiv Chatterjee S/o Rajkumar Chatterjee Resident of 2B, Satkari Mitra Lane, Kolkata-54, the General Manager, Projects, M/s Ramky Infrastructure Pvt. Ltd, having registered office at Ramky Grandiose, 15 Floor, Survey No. 136/2 and 4, Gachibowli, Hyderabad (Telangana)
3. Sai Ramprasad Neelam S/o Satyanarayana Resident of Gayatri nagar, Hyderabad, Telangana, Formerly the Assistant General manager, Projects, M/s Ramky Infrastructure Pvt. Ltd, having registered office at Ramky Grandiose, 15 Floor, Survey No. 136/2 and 4, Gachibowli, Hyderabad (Telangana)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vijay Kumar (Director) M/s Millenium Infra & Reality, S/o Shashi Bhushan Prasad, Resident of B-508, Beur City Armand Shiv Nagar Colony Anisabad Colony, Patna (Mob No. 9021103640)

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Anand Kumar Ojha, Advocate
For the Opposite Party : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 08-03-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Rampur P.S. Case No.435 of 2019 registered for offences under Sections 420, 406, 341, 323, 307, 504, 506 and 120B of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.



As per the prosecution case, the informant, who is the Director of M/s Millennium Infra & Reality Project Private Limited, has alleged that his company works for infrastructure and water project area. His company entered into an agreement with M/s Aqua Design India Private Limited for a project. There was some dispute with regard to payment for the work done by M/s Ramky Infrastructure Limited and M/s Millennium Infra & Reality Project Private Limited and three cheques were issued by M/s Ramky Infrastructure Limited of different amounts and they have bounced and despite notice, no payment was made.

It has been submitted on behalf of the petitioners that the present FIR is not maintainable for bouncing of cheques as for cheque bouncing, a complaint is to be filed. The petitioners have also denied their liabilities saying that M/s Aqua Design India Private Limited has been declared insolvent by NCLT, Chennai and therefore, mala fide complaint has been filed by M/s Ramky Infrastructure Limited.

Learned APP for the State has opposed the prayer but he has not been able to point out this issue that any FIR is maintainable for bouncing the cheques.

Notice was issued to the opposite party no.2 but



despite issuance of repeated notices and knowledge, opposite party no.2 has not appeared.

Considered the submissions of the parties.

The present FIR is an abuse of process of the court as the same is not maintainable in the facts of the case. Moreover, the dispute is of civil nature as the decision of NCLT, Chennai and others has been suppressed by the informant.

Considering the above and considering the fact that there is no chance of absconding of the petitioners, this application for anticipatory bail is allowed.

Accordingly, let petitioners, above-named, in the event of their arrest or surrender within eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Rampur P.S. Case No.435 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sandeep Kumar, J)

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