

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25564 of 2021

Arising Out of PS. Case No.-166 Year-2020 Thana- KOCHAS District- Rohtas

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ASHUTOSH KUMAR RAI SON OF SRI HARESHWAR RAI RESIDENT
OF VILLAGE- KUCCHILA, P.S.- KOCHAS, DISTRICT-ROHTAS AT
SASARAM

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Narayan Rai

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-06-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends arrest in registered for the offences punishable under Section 420 of the Indian Penal Code and section 138 of the NI Act.

As per the prosecution case, petitioner being chairman of PACS, lifted rice and in return handed over a cheque dated 18.3.2020 amounting to Rs.25,50,000/- to the informant who runs a rice mill and when the same was presented in the bank for encashment, the bank returned the cheque with note that the payment has been stopped by drawer.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. In fact, petitioner is not required to make any payment to the informant



and as the cheque book was missing in the PACS office, he had made requisition to the bank to decline payment, if presented. Petitioner has also filed a complaint case in the Court of Chief Judicial Magistrate, Rohtas contained in Annexure 3. It is stated in paragraph 3 of the bail petition that the petitioner has got clean antecedent.

Learned counsel for the State opposes the prayer for bail submitting that it is a case of cheque bounce and there is specific allegation that the cheque issued by the petitioner had bounced.

Considering the nature of allegation against the petitioner, his prayer for bail is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without prejudice.

(Prabhat Kumar Singh, J)

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