IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39405 of 2015

Arising Out of PS. Case No.-379 Year-2014 Thana- DANAPUR District- Patna

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Rajesh Singh @ Raju Singh Son of Late Arun Singh R/o Village- Chandel Tola P.S.- Mahanar District- Vaishali.

... ... Petitioner/s

Versus

1. The State Of Bihar
2. Sangeeta Jha Wife of Pravin Kant Jha R/o Flat No. 501, Pramil Sudha Kunj Kailash Pati Marg, R.K Puram, Khagaul Road, P.S.- Danapur, District- Patna.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.Pushpa Sinha App

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

18 14-12-2022 Heard learned counsel for the petitioner, informant and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406, 420, 468, 120(B) of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

The prosecution case as per complaint petition is that the petitioner used to visit at the residential flat of the complainant. The complainant had purchased a flat with the help of this petitioner. In February, 2014, the petitioner came at the house of the complainant and convinced the complainant to purchase a plot of land on cheaper rate. The complainant, thereafter visited the place and took interest to purchase the plot of land. The complainant, thereafter issued cheques of different amount on different dates and thereby she had given total amount of Rs. 17,15,000/- to the petitioner out of total consideration amount of Rs. 18,30,000/- which was credited in the account of the petitioner. The petitioner thereafter promised to get the sale deed executed in her favour with regard to the land in question. It is the further case of the complainant that thereafter the petitioner started ignoring the complainant and whenever the complainant asked for execution of land in question, the petitioner used to make false promises to execute the land in favour of the complainant. Ultimately, on pressure mounted upon the petitioner, he issued 11 cheques of different amount amounting to Rs. 15,40,000/- with a prayer that if the land is not executed in favour of the complainant, she would encash the cheques which were issued in favour of the complainant. When the land in question was not executed in favour of the complainant, the complainant deposited the cheques which were issued by the petitioner to the bank for its encashment which were got bounced due to insufficient fund.

It is submitted by learned counsel for the petitioner that a false and concocted story has been drafted against the petitioner. The petitioner is innocent and he has not committed any offence. The petitioner and the complainant are business partners and they have started a company in the name and style of Swadhara Infra LLP. The object and Scope of Swadhara Infra LLP was to carry out the business of building construction, road construction, sales of flats/immovable land(residential), properties on commission basis, sale of stores, etc. As the petitioner and informant both are business partners, they have exchanges money to each other. The petitioner has also issued different cheques of different amount in favour of the complainant. In fact, the petitioner had given Rs. 15,00,000/- to the complainant for purchase of a flat and when the petitioner demanded his money back, the complainant issued cheques in his favour which has been used in the present complaint as a tool against the petitioner. It is further submitted that for the sake of business requirements, the petitioner had issued blank cheques which was misused by the complainant by putting different amount and different dates in favour of the complainant, as a result of which, the cheques got bounced.

The petitioner had also issued several cheques of several amounts on several dates total amounting to Rs. 4,25,000/- in favour of the complainant.

It is submitted by learned counsel for the complainant that payment of Rs. 17,15,000/- has been given to the petitioner through cheque and the same has been utilized by the petitioner from his account. The account details of the petitioner suggests that he transferred Rs. 13,85,000/- in the account of Anand Rathi Securities Group Limited, Rs. 1,13,000/- in the account of accused Minakshi Singh and he has also purchased some ornaments for his wife Soni Devi.

In the facts and circumstance of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Danapur P.S. Case No. 379 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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