

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34908 of 2021

Arising Out of PS. Case No.-504 Year-2020 Thana- KHAJANCHI HAT District- Purnia

RAKSHAK KUMAR SINGH Son of Bishwajeet Narayan Kumar Resident of
Mohalla - Gandhinagar near Arvind Colony, Police Station - K. Hat, District -
Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 406, 417, 418, 420, 465 and 468 of the
Indian Penal Code.

Prosecution case, in short, is that the petitioner
ordered wallet from company of the informant online and then
returned the product and demanded return of money. Company
sent back money through cheque. The petitioner requested to
send back money in account. The company sent money in



account of the petitioner. However, the cheque by enhancing the amount was deposited in the Bank.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. As per the allegation, certain products of the company were procured online. Subsequently the products were not liked and the same was returned back to the company. Company had issued a cheque. Said cheque was not accepted by the petitioner and he demanded the refund to be made online. Subsequently, refund was made online into the account of the petitioner. It is further alleged that thereafter a tampered cheque was presented by the petitioner, but the same was not honoured by the Bank. It has further been submitted that no such amount as indicated in the cheque in question has been credited in the account of the petitioner. No wrongful gain has been made on the part of the petitioner. At best, it is an act of negligence on the part of the person, who had presented the said cheque.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case,



the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve 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 learned C.J.M., Purnea in connection with K. Hat P.S. case No.504 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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