

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28425 of 2022

Arising Out of PS. Case No.-1651 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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DEEPAK KUMAR SON OF SHIV KUMAR SINGH R/O VILLAGE-
AMRA, P.S.- MUFFASIL, DISTRICT- GAYA

... .. Petitioner/s

Versus

1. The State of Bihar
2. KUNDAN KUMAR SON OF SURENDRA SINGH R/O VILLAGE-
KOSDIHRA, P.O.- CHAND CHOURA, P.S.- M.M.C.H., DISTRICT-
GAYA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Complaint Case No. 1651 of 2019 for the offences under
Section 406 of the Indian Penal Code and section 138 of the N.I.
Act.

The informant claims that the petitioner was his friend
since last ten years and as he was in urgent need of the money,
he gave him loan of Rs. 20 lakhs. The petitioner promised to
return the amount within two months and a written agreement



was also made and executed to this effect. Further the petitioner also gave four cheques worth Rs. 5 lakhs each which are as follows:-

Cheque No.	Amount	Date
001053	5,00,000/- Five Lakh	05.08.2019
001054	5,00,000/- Five Lakh	20.08.2019
001055	5,00,000/- Five Lakh	05.09.2019
001056	5,00,000/- Five Lakh	20.09.2019

It is the further case of the informant that the petitioner had an intention to cheat him inasmuch as all the four cheques of Rs. 5 lakhs each bounced and despite best of efforts, the petitioner chose not to respond or return the amount resulting into the present complaint.

Learned counsel for the petitioner submits that he has committed no offence and paid the same in cash but failed to get the receipt and has become a victim of circumstances and he is in jail since 26.09.2021.

Per contra, learned counsel for the informant submits that he is suffering for believing his friend of ten years and when the petitioner was in need of the amount, the informant immediately paid Rs. 20 lakhs but the person concerned, who had an intention of cheat from the beginning chose not to return the same, thus putting him in great financial crisis.



Having gone through the facts of the case and perused the case of the informant, this Court finds force in the points put forward by the learned counsel for the petitioner and as such the bail application is hereby rejected.

(Rajiv Roy, J)

Jagdish/Neha-

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