

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53089 of 2021

Arising Out of PS. Case No.-138 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

Pramod Kumar Pandey, Son Of Yadu Nath Pandey Resident Of Village -
Uwed Chhapra, P.S.- Bhatha, Distt.- Sheohar. At Present C/O Chandra
Kishore Mishra, Mohalla- Balu Tal, Near Honda Agency, P.S.- Mothihari,
Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nand Kishore Pandey Son of Late Daroga Pandey Resident of Village -
Bijulpur, P.s.- Turkauliya, Distt.- East Champaran.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr. Alok Kumar Alok
For the Opposite Party/s :	Mr. Jagdhar Prasad
	Mr. Dhannjay Kumar No. 2

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 10-08-2022 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 406
and 420/ 34 of the Indian Penal Code.

The learned counsel for the complainant appears and
submits that the complainant has died and a substitution
application has been filed in the learned Court below by his
brother for pursuing the case and hence, he is appearing on
behalf of the brother of the complainant.

The learned counsel for the petitioner submits that the



petitioner is a person with clean antecedent and the complainant alleges that accused persons gave five cheques to the complainant out of which, four cheques were of Rs.50,000/- each and one cheque was of Rs.40,000/- and when the complainant presented the cheques for getting them encashed, the same bounced on 31.10.2016, due to insufficiency of fund. Accordingly, thereafter the present complaint came to be instituted after completing all the legal formalities under the N. I. Act.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that the petitioner is not the proprietor of M/s Girja Traders rather co-accused Rajeev Kumar is the proprietor of the said firm. It is submitted that neither this petitioner had taken any money from the complainant, nor he had issued any cheque to him and he is living separately from his brother Rajeev Kumar and has no concern with the alleged firm, as such, no offence under Section 406 and 420 of the I.P.c. is made out. It is next submitted that even the learned trial Court did not take cognizance under Section 138 of the N. I. Act.

The learned counsel for the complainant as well as learned A.P.P. opposes the bail application, but are not in a



position to rebut the submission of the learned counsel for the petitioner that the petitioner has not issued the cheques, nor cognizance under Section 138 of the N. I. Act has been taken against the accused persons.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Complaint Case No.138 of 2017, Trial No.1768 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

