

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64835 of 2021

Arising Out of PS. Case No.-155 Year-2020 Thana- SAHARSA SADAR District- Saharsa

NILESH KISHORE S/o Late Braj Kishore Pandey Resident of House No. 02,
Justice Mandal Path, Near D.A.V. School, Rajbanshi Nagar, P.S.- Shastri
Nagar, Pin Code- 800013, District- Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Tiwary
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia
Mr. Parth Gaurav

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 01-12-2022 Heard learned counsel for the parties.

Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 379, 420 of the Indian
Penal Code and u/s 138 of N.I. Act.

As per the prosecution case, petitioner issued three
cheques of Rs. Five lacs each in favour of informant which got
dishonoured due to insufficiency of fund.

Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in the
case. It is submitted that no case u/s 138 of N.I. Act is made out.
The allegation is absolutely absurd and improbable. As a matter
of fact an amount of Rs. Ten lacs was given to the informant by
the petitioner for establishing nursing home and the informant had



promised to give share in profit by making the petitioner partner which the informant never did and only to pre-empt the petitioner to take any legal action the informant has instituted the present malicious case. Petitioner has got clean antecedent.

Learned counsel appearing for the State and the informant opposed the prayer for anticipatory bail and submitted that cheques issued by the petitioner got dishonoured on account of insufficiency of fund.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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