

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67456 of 2021

Arising Out of PS. Case No.-2076 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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JAY PRAKASH PANDEY Son of Kamta Prasad Pandey Resident of Road
No. -1, Yarpur, P.S.- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Dr. Pratima Singh Wife of Dr. Satya Raj Choudhary Nutan Tower, P.S.-
Kankarbagh, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Madan Mohan, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-11-2022 Learned counsel for the petitioner has filed a
supplementary affidavit in Court today.

Let the same be kept on record.

Heard learned counsel for the petitioner, learned APP
for the State as well as learned counsel appearing on behalf of
the complainant.

The petitioner apprehends his arrest in connection
with Complaint Case No.2076(C)/2020, registered for the
offences punishable under Section 406 of the Indian Penal Code
as well as under Section 138 of the N.I. Act.

The complainant had filed a complaint stating therein
that the petitioner has a house located at Yarpur, Road No.1, P.S.



Gardanibagh, Patna which was given on rent to the complainant to be used as her hospital for a period of eight years. A rent agreement was executed between the parties and the complainant paid Rs.20,000/- per month as rent regularly. According to the complainant, the rent agreement was for eight years but the petitioner started nagging her to vacate the premise within one year. It is alleged that when the complainant was vacating the premise, she asked the petitioner to return the amount she had spent on renovating upon which the petitioner agreed and gave two post-dated cheques of Rs.2,00,000/- and Rs.2,50,000/-, both of which bounced when presented for encashment. Upon enquiry by the complainant, the petitioner refused to pay the amount and threatened the complainant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that dispute between the parties is civil in nature.

Learned APP for the State as well as learned counsel for the complainant opposed the prayer for anticipatory bail of the petitioner.

Taking into consideration the facts that the



complainant has already filed a complaint and cognizance has already been taken under Section 406 of the Indian Penal Code as well as under Section 138 of the N.I. Act and the fact that the dispute between the parties is civil in nature, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No.2076(C)/2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioner is directed to co-operate in the trial.

(Anjani Kumar Sharan, J.)

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