

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67439 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Surendra Kumar Agarwal Son of Prabhatilal Agarwal Resident of Mohalla -
Azad Nagar, Ward No.- 27, Gali No.- 02 Near the Clinic of Dr. D. Nath, P.S.-
Town Police Station, Motihari, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shashi Bhushan Thakur Son of Rajeshwar Thakur Resident of Village -
Tenua, P.S.- Kalyanpur, District - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Rajesh Ranjan, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP
For O.P. No.2	:	Mr. Abhishek Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-08-2022 Heard learned counsel for the petitioner, learned APP

for the State as well as learned counsel appearing on behalf of O.P.

No.2.

The petitioner apprehends his arrest in connection with

Complaint Case No. C – 54 of 2021, registered for the offences

punishable under Sections 406 and 420 of the Indian Penal Code

and Section 138 of the N.I. Act.

Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in the

present case. It is submitted that the petitioner has got no criminal

antecedent as stated in paragraph-3 of the bail application. It is

submitted that the opposite party took away the cheque book of the

petitioner and the accused persons filled two cheques bearing

Nos.“81532” amounting to Rs.5,00,000/- and “81533” amounting



to Rs.1,00,000/- in the name of Shashi Bhushan Thakur. It is submitted that petitioner filed complaint petition on 16.10.2020 in the learned court below and instructed his banker to stop payment against the aforesaid cheques.

The learned APP for the State as well as the learned counsel appearing on behalf of O.P. No.2 opposed the prayer for anticipatory bail of the petitioner and submitted that when the cheques were presented before the bank for payment, the cheques got bounced.

Taking into consideration the facts aforesaid and the fact that both sides have filed complaint against each other, 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Complaint Case No. C – 54 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

Sanjay/-

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