

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83957 of 2019

Arising Out of PS. Case No.-1546 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Indrajeet Kumar Son of Harendra Thakur Resident of Village - Serna, P.S.-
Kanti, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Amit Kumar Son of Late Siyaram Singh Resident of Village - Jamin
Mathiya, P.S.- Meenapur, District - Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 04-01-2022 Heard learned counsel for the petitioner and

learned APP for the State.

Learned counsel for the petitioner is expected

to honour his undertaking given in the instant case for

depositing the requisite court fee and to remove the

defects as pointed out by the office when called upon to

do so by the office.

The petitioner is apprehending his arrest in a

case registered for the offences punishable under Section

420 of the Indian Penal Code and Section 138 of the



Negotiable Instruments Act.

The complainant has alleged that since the petitioner works in Kanti Thermal Power Station he gave rupees two lakhs to the petitioner for getting labour supply in Kanti Thermal Power Station but he did not provide work to him. Thereafter the complainant demanded his money back. The petitioner thereafter issued a cheque of rupees two lakhs in favour of the complainant but the same was not encashed due to closer of the account.

It is submitted by learned counsel for the petitioner that complainant has not produced even a chit of paper with regard to payment of rupees two lakhs to the petitioner. In fact, the petitioner has given cheque as advance for purchase of a land to the complainant but as soon as he came to know that a title suit is pending with regard to the land in question, he stopped the payment of the aforesaid cheque. Moreover, for a civil nature of dispute, the petitioner cannot be prosecuted in a criminal



proceeding. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In the facts and circumstance of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-cum-Sub-Judge-VI, Muzaffarpur in connection with Complaint Case No. 1546 of 2018, Trial No. 2253 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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