

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13528 of 2023

Arising Out of PS. Case No.-1651 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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Deepak Kumar Son Of Shiv Kumar Singh R/O Village- Amra, P.S.- Muffasil,
District- Gaya (BIHAR) Petitioner/s

Versus

1. The State of Bihar
2. Kundan Kumar Son Of Surendra Singh R/O Village- Kosdihra, P.O.- Chand
Chaura, P.S.- Magadh Medical College And Hospital, District- Gaya
... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Mrigendra Kumar, Advocate
For the State	:	Mr.Pranav Kumar, APP
For the Informant	:	Mr. Anil Kumar Sinha, Advocate
		Mr. Sudhir Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 05-04-2023 Heard learned counsel for the petitioner and learned

counsel for the State.

Let the defect(s), if any, as pointed out by the office be
removed within four weeks.

The petitioner is in judicial custody in connection with
Complaint Case No. 1651 of 2019 for the offences under Section
406 of the Indian Penal Code and section 138 of the N.I. Act.

The informant claims that the petitioner was his friend
since last ten years and as he was in urgent need of the money, he
gave him loan of Rs. 20 lakhs. The petitioner promised to return
the amount within two months and a written agreement was also
made and executed to this effect. Further the petitioner also gave
four cheques worth Rs. 5 lakhs each which are as follows:-



Cheque No.	Amount	Date
001053	5,00,000/- Five Lakh	05.08.2019
001054	5,00,000/- Five Lakh	20.08.2019
001055	5,00,000/- Five Lakh	05.09.2019
001056	5,00,000/- Five Lakh	20.09.2019

It was the case of the informant that the petitioner had an intention to cheat him inasmuch as all the cheques bounced and despite requests, the petitioner chose not to return the amount resulting into the present complaint.

The matter was earlier heard on 08.09.2022 vide Cr. Misc. No. 28425 of 2022 and the same was rejected.

A fresh petition has been filed in which nothing new has come save and except a supplementary affidavit in which it has been stated that he is ready to pay Rs. 2,00,000/- in two or three installments within a period of three months from the date of his release. In another words, he has put conditions to pay even 1/10th of the total amount for which the case has been lodged against him.

No fresh look is required to be given to the present petition and as such, the petition accordingly stands rejected.

(Rajiv Roy, J)

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