

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20940 of 2023

Arising Out of PS. Case No.-262 Year-2022 Thana- KORHA District- Katihar

Sanjay Yadav Son Of Vasudev Yadav Resident Of Village- Saranpur, Ps-
Tarabari, District- Arariya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ashok Kumar
For the Opposite Party/s :	Mr. Md. Anbzarul Haque Sahara
:	Mr. Bimal Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 21-08-2023 Heard learned counsel for the petitioner and learned
APP for the State assisted by learned counsel for the informant.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code and Section 138 of the N.I. Act pending in the learned court below.

3. As per the prosecution case, on 20.04.2022 Sanjay Yadav purchased maize from the informant worth of Rs. 16,58,000/- and issued three cheques in the name of informant worth Rs.14,00,000/-. It is alleged that all the three cheques got bounced because the Sanjay Yadav instructed the bank to stop the payment and when the informant went to the house of Sanjay Yadav, the petitioner abused him and also threatened to kill him and warned him not to come home again.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is no allegation of offence under Section 420 and 406 of the I.P.C. and Section 138 of the N.I. Act is made out against the petitioner as they have not issued any cheque and have also not promised to give him any amount or any false assurance to which amounts to cheat and fraud. He submits that petitioner has got one criminal antecedent in similar nature as stated in para-3 of the bail application.

5. Per contra, learned APP for the State along with learned counsel for the informant vehemently opposes the bail application and submits that the petitioner has cheated the informant and had not returned the amount though the cheque was issue by the petitioner. Hence, he does not deserve anticipatory bail.

6. Considering the nature of the offence, I am not inclined to enlarge the petitioner on bail in connection with Korha P.S. Case No. 262 of 2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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