

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19609 of 2023**

Arising Out of PS. Case No.-461 Year-2017 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

=====

Risikant Pandey @ Rishikant Pandey Son of Late Ram Chandra Pandey
Resident of Mohalla - Srikrishna Nagar, Ahri Baba Niwas, P.S.- Nagar,
District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Deepak Kumar Singh Son of Siyawar Singh Resident of Mohalla - Karma Road, Jaiprakash Nagar, P.S.- Nagar, District - Aurangabad.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate.
For the Opposite Party/s : Mr. Satya Nand Shukla, APP.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-06-2023 Heard Mr. Santosh Kumar Pandey, learned counsel
for the petitioner and learned APP for the State.

The Petitioner is apprehending his arrest in connection with Complaint Case No.461 of 2017 registered for the offences punishable under Sections 406, 420 of the Indian Penal Code and under Section 138 of N.I. Act.

It is alleged that the petitioner along with one Amit Ranjan approached to the complainant and requested the complainant to lend money, whereupon the complainant had paid Rs.5,10,000/-. On 12.04.2017, co-accused Amit Ranjan issued a cheque of Rs.3,10,000/- to the informant, but when the same was presented to the Bank it came to be dishonoured with



an endorsement stating insufficient funds.

Learned counsel appearing on behalf of the petitioner submits that from the complaint case, it is evident that both the complainant and Amit Ranjan are their own brother-in-law and so far as the petitioner is concerned, he being only partner of his brother-in-law, his name has been implicated in this case. He next submits that though the occurrence took place on 15.10.2016, but surprisingly the complaint has been filed on 14.01.2017. He further drawn the attention of this Court that the cheque was admittedly issued by Amit Ranjan @ Amit Ranjan Singh and as such no case made out against the petitioner under Section 138 of N.I. Act. He also submits that co-accused Amit Ranjan has already been allowed bail by the Court below itself on the date, he surrendered before the Court below itself. He lastly submits that the petitioner undertakes that he will fully cooperate in the complaint case and will not indulge in tempering with the evidence and intimidating the witnesses.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the cheque has been issued by co-accused Amit Ranjan and so far as the petitioner is



concerned, there is no direct or specific allegation against him, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VIII, Aurangabad in connection with Complaint Case No.461 of 2017, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Harish Kumar, J)

manoj/-

U		T	
---	--	---	--

