

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21363 of 2022

Arising Out of PS. Case No.-214 Year-2020 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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MUKESH KUMAR THAKUR Son of Surya Kant Thakur Resident of Village
- Pachpakari, Tola - Rupauliya Gopi, P.O.- Pachpakari, P.S.- Dhaka, District -
East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ankit Kumar Son of Satyendra Thakur Resident of Village - Pachpakari,
Tola - Rupauliya Gopi, P.O.- Pachpakari, P.S.- Dhaka, District - East
Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

- 3 30-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 214 of 2020 for the offence registered
under Section 406 of the Indian Penal Code and Section 138 of
N.I. Act.

As per the prosecution story, the complainant alleged
that he is a villager and the accused is having a shop of 'sand'
and 'iron rod' and in 2019, he took Rs. 4 lakhs as loan for his
business as also maintenance and repair of the truck. This
payment of Rs. 2 lakhs each in two installments was/were given



in the presence of the witnesses.

However, after passing of one year, he failed to return the amount when the complainant approached but assured that due to Covid-19, he is unable to make payment and finally upon pressure, issued cheque dated 06.10.2020 vide no. 036798 from his Bank Account No. 3353814213 of Rs. 4 lakhs. However, the same got bounced as the accused persons have blocked the payment after informing the bank. This was informed to the accused by notice but they failed to do the needful and further chose not to return the amount. Having felt cheated, the present complaint was lodged.

Learned counsel for the petitioner submits that he never took any loan of Rs. 4 lakhs, no cheque was issued to them, actually theft occurred in his house and his cheque book got missing on which the complainant put Rs. 4 lakhs and presented before the bank which naturally got bounced and the same was blocked and that got him opportunity to prefer this complaint.

Per contra, learned counsel for the complainant submits that the entire theory has been put forward in the complaint is absolutely correct and so far as the '*alibi*' of theft is concerned, it is not a case of the accused that after the alleged



theft, he lodged any FIR or informed the police and it is just to save his skin. He as such, oppose the prayer for anticipatory bail.

Taking into account the kind of allegation that has come in the complaint, this Court finds force in the submissions put forward by the learned counsel for the complainant, no case for grant of anticipatory bail is made out and the same is accordingly rejected.

(Rajiv Roy, J)

Jagdish/Neha/-

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