

Arising Out of PS. Case No.-1565 Year-2015 Thana- ROHTAS COMPLAINT CASE
District- Rohtas

... .. Petitioner/s

1. The State of Bihar
2. HARISHANKER CHOUDHARI SON OF RAM KUMAR CHOUDHARY
RESIDENT OF VILLAGE- RASENDUA, PS- SHIV SAGAR, DISTT-
ROHTAS

... .. Opposite Party/s

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, A.P.P.
: Mr. Saroj Kumar, Advocate

3 24-08-2023 1. Heard learned counsel for the petitioner, learned
counsel for the complainant and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420 and 120B of the Indian Penal Code.

3. The informant alleges that petitioner along with other co-accused persons opened a Centre for purchasing Basmati rice, it is next alleged that he sold rice to the Centre opened by the petitioner and in lieu whereof the petitioner gave him cheque issued by another accused and the cheque on presentation for encashment bounced.



4. Learned counsel for the petitioner submits that the petitioner has antecedent of eleven cases but all cases have been filed by different persons with regard to the same transaction, it is next submitted that petitioner has been falsely implicated in the present case, it is next submitted that petitioner had never opened any Centre for purchasing Basmati rice rather Niladri Gupta and Kaushaki Gupta who are residents of Kolkata were involved in business of buying paddy from farmers and they had purchased huge quantity of Basmati rice from local farmers in the year 2014-15 and the same was stored in the warehouse taken on rental basis under the supervision of Canara Bank, Sasaram. It is next submitted that petitioner had merely given his premises on rent on request of the local farmers for their consumers and Canara Bank, Sasaram, was the real custodian of the stored paddy, it is further submitted that even the cheque was not issued by the petitioner, as such, no offence under Section 138 NI Act can be attributed against him, it is further submitted that petitioner in similar matter has been granted the privilege of anticipatory bail by learned different Coordinate Benches of this Court as would be evident from Annexure-3 Series.

5. Learned A.P.P. for the State and learned counsel for



the complainant opposed the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that the cheque was not issued by this petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 1565 of 2015 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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