

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25494 of 2023

Arising Out of PS. Case No.-757 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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LALAN RAJ @ LALLAN RAJ S/o Late Birendra Singh @ Birendra Prasad
Singh R/o Vill.-Lalit Nagar Hemra Near Shiv Mandir, Mohan Eghu P.S.-
Begusarai Town, Dist-Begusarai

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR PATNA
2. TRIBHUWAN KUMAR S/o Nevi Mahto R/o Vill Suja PS Muffasil Dist.-
Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 16-08-2023 1. Heard learned counsel for the petitioner,

learned counsel for the O.P. No. 2 and learned A.P.P. for the

State.

2. The petitioner apprehends 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.

3. The complainant alleges that the petitioner had
issued cheque of Rs. 3,12,200/- which on presentation for
encashment bounced, accordingly, a complaint case was
filed but on intervention of the learned Court the matter was



compromised at Rs. 2,00,000/- and the petitioner gave Rs. 50,000/- by way of cash to the complainant and issued three cheques of Rs. 50,000/- each, it is next alleged that one of the cheques on presentation for encashment of Rs. 50,000/- bounced necessitating the filing of the present complaint.

4. Learned counsel for the petitioner submits that the petitioner has antecedent of one case and has been falsely implicated in the present case, it is next submitted that the dispute is purely commercial for which a criminal case has been instituted in which cognizance has been taken under Section 420 read with Section 406 of the Indian Penal Code when the case is of bouncing of cheque, it is also submitted that Section 138 NI is bailable. It is next submitted that petitioner is willing to compromise the case provided the complainant assures that he will withdraw the case. Learned counsel for the petitioner next submits that the entire amount of Rs. 50,000/- shall be paid to the complainant latest by 25.10.2023.

5. The learned counsel for the complainant on instruction in view of the submissions made by the learned counsel for the petitioner does not oppose the anticipatory



bail application of the petitioner. The learned counsel for the complainant further submits that he will WhatsApp the Bank Account Number of the complainant on the WhatsApp Number of the learned counsel for the petitioner and learned counsel for the petitioner undertakes to forward the same to the petitioner so that the amount of Rs. 50,000/- as agreed is paid by 25.10.2023.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. 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 **ten weeks** from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five 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 Begusarai P.S. Case No. 757C of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that the petitioner at the time of surrender shall produce the receipt of payment



made in the account of the complainant of Rs. 50,000/- and in the event, if no such receipt or affidavit is filed along with surrender application the present anticipatory bail order shall not be given effect to.

9. At this stage, the learned counsel for the complainant also submits that in the event, if the payment of Rs. 50,000/- is made by 25.10.2023, the complainant shall withdraw the complaint case.

(Satyavrat Verma, J)

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