

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.26330 of 2023**

Arising Out of PS. Case No.-2032 Year-2021 Thana- EAST CHAMPARAN COMPLAINT  
District- East Champaran

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GUDDU KUMAR S/O CHAIN KUMAR YADAV Resident of Village-  
Jasawli Tola Vishunpur, P.S.- Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAMAKANT PRASAD YADAV S/O LATE BIRENDRA RAI Resident of  
Bairiya Ward No.- 1, P.S.- Kotwa, Bhopatpur (OP), District- East  
Champaran.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Abhishek Kumar Srivastava, Advocate  
For the Opposite Party/s : Mr.Binod Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      07-07-2023                                      Heard the learned counsel for the petitioner and  
  
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail  
in connection with Complaint case no. 2032 of 2021, registered  
for the offences punishable under Section 406 of the Indian  
Penal Code and Section 138 of Negotiable Instruments Act.

The case of the prosecution in brief, according to  
the complainant, is that the petitioner herein had developed a  
good relationship with him and then he had asked him to lend a  
sum of Rs. 3,80,000/- for the purposes of construction of house,  
which was given by the complainant to the petitioner on  
20.06.2020, in presence of witnesses at his house, however,  
when the complainant had asked the petitioner to return his



money, after six months, the petitioner started making one excuse after another. It is also alleged that thereafter, a *Panchayati* was held and the petitioner had given a cheque on 27.12.2020 to the complainant, however, when the same was presented by the complainant before his Banker, the same was dishonoured and when the complainant had informed the petitioner about dishonor of the cheque, given by him, he had abused the complainant and threatened him of dire consequences.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner, upon being asked by this Court as to whether the petitioner is ready and willing to return atleast 50% of the aforesaid amount in question or atleast deposit 50% of the amount in question before the learned trial court, subject to the outcome of the present case, the learned counsel for the petitioner has flatly refused to do so, however, it has been submitted that the petitioner has never taken any money from the complainant.

*Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that *prima facie*, the petitioner is having complicity in the alleged occurrence, I do not find the present case to be atleast a fit case for grant of anticipatory bail, hence, the present petition stands dismissed.

**(Mohit Kumar Shah, J)**

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