

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26672 of 2023

Arising Out of PS. Case No.-57 Year-2023 Thana- BIHAR District- Nalanda

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RANJIT KUMAR S/O ARJUN PRASAD Resident of Village- Meghi, P.S.-
Deepnagar, District- Nalanda at present residing at Qamruddinganj, P.S.-
Laheer, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. JITENDRA PRASAD SINGH S/O LATE RADHE KRISHNA PRASAD
Resident of Village- Badi Misiya, P.S.- Sarmera, District- Nalanda at Present
residing at Nichali Kila Garhpar, P.S.- Bihar, District- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 27-04-2023 Heard the parties.

This application has been filed for quashing the F.I.R.
of Bihar P.S. Case No. 57 of 2023 dated 18.01.2023, G.R. No.
397/2023 registered for the offences under Sections 420,
406/120B of the IPC and Section 138 of the N.I. Act.

The prosecution story in short is that On 15.01.2021
informant has given Rs. 1,54,000,00/- (One Crore fifty four
lacs) to the petitioner due to old relation for development of
business at his residence in presence of witnesses namely Dilip
Kumar and Rajiv Kumar and an agreement was prepared with
condition that if the amount is not returned within stipulated
period then *Nonia* Showroom of the petitioner will come on the



possession of the informant in lieu of said amount petitioner has given advance four cheque of Union Bank of India vide Cheque No. 095072 of Rs. 40,00,000/- (Rs. forty lacs) (2) 095073 of Rs. 40,00,000/- (Rs. forty lacs) (3) 0955074 of Rs. 40,00,000/- (Rs. forty lacs) (4) 095075 of Rs. 40,00,000/- (Rs. forty lacs) (5) 1,54,000,00/- (One Crore fifty four lacs) without date and with signature of the petitioner in connection A/c No. 409505010011895. after receiving the cheque, the informant has submitted Cheque No. 095072 in his A/C No. 31806632515, S.B.I Khandakpar, Biharsharif, Nalanda on 20.12.2022. The Branch Manager, SBI Khandakpar Biharsharif has returned the Cheque on 21.12.2022 that there is no amount in A/c of the petitioner and the informant has informed through Mobile to the petitioner about this. The Branch Manager has returned the Cheque No. 095072 because no amount was in this A/c of the petitioner and then on 15.01.2023 the informant went at the residence of the petitioner at Qumruddinganj and said that there is no amount in your account.

In view of the law laid down by the Hon'ble Supreme court in the case of *Neeharika infrastructure pvt Ltd. V. State of maharashtra and others (2020) 10 SCC 118*, the prosecution cannot be nipped at the bud.



This application is dismissed.

(Sandeep Kumar, J)

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