

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30040 of 2023

Arising Out of PS. Case No.-1001 Year-2021 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Rameshwar Choubey S/O- Satyanarayan Chaubey Village- Duboliya,
Choubey Tola, Ward No-6, Ps- Lauriya, Dist- W.Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Seema Devi Wife Of Baidhnath Prasad Village- Shanti Nagar, Dhobiya Tola,
Ward No-10, Ps- Lauriya, Dist- W.Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Milind Kumar Mishra, Advocate
For the Complainant	:	Mr. Gaurav Shankar, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

9 05-12-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned counsel for the complainant as well as learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in connection with Complaint Case No. 1001 (C) of 2021 dated 20.08.2021 registered for the offence/s punishable u/s 420 of the Indian Penal Code and section 138 of the Negotiable Instrument Act.



4. As per the prosecution case, a cheque of Rs. 9,40,000 was got dishonoured due to insufficiency of funds which was given to the complainant by the petitioner under conspiracy of the co-accused persons.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The said cheque was issued by the petitioner on 14.01.2021 to the complainant. Thereafter, the wife of the petitioner lodged an FIR against the relative of the petitioner regarding theft of cheque of the petitioner on 17.01.2021. The petitioner has three other criminal cases and out of which two criminal cases are of similar nature as stated at para 3 of the bail petition and para 2 of the supplementary affidavit filed on behalf of the petitioner.

6. Learned counsel for the complainant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner and submitted that the petitioner and the co-accused persons taking undue advantage of good relation hatched a conspiracy and took Rs. 10,00,000/- from the complainant. It is further submitted that the petitioner had an intention to cheat the complainant right from the beginning. The said cheque was issued by the petitioner on 14.01.2021 to the complainant. Thereafter, the wife of the



petitioner lodged an FIR bearing Lauriya P.S. Case No.17 of 2021 against the relative of the petitioner regarding theft of cheque of the petitioner on 17.01.2021 which falsified the contention of the learned counsel for the petitioner. After receiving no response from the petitioner, accused, the complainant filed a complaint under the relevant section of the NI Act. Additionally, the offence of cheating under the IPC was also added.

7. Considering the aforesaid facts and circumstances of the case as well as finding merit in the contention of the learned counsel for the State and the complainant. I am of the view that no case for grant of anticipatory bail is made out and the same is rejected with direction to the petitioner to surrender before the Court below concerned within six weeks from the date of this order and the prayer for regular bail, the learned Court below will consider his prayer for regular bail in accordance with law without being prejudiced by this order.

8. The application stands rejected.

(Chandra Prakash Singh, J)

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