

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39384 of 2023

Arising Out of PS. Case No.-1433 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Kamendra Verma @ Kamendra Kumar Verma Son of Suresh Kumar Verma
Resident of Village- Motihari Railway Line W. No.- 28, Balua Tal, PS Nagar,
District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abhishek Kumar Son of Ramashray Ram Resident of Village- Mathlohiyar,
PS- Harsidhi, District- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manjeet Kumar Mishra
For the Opposite Party/s : Mr.Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-09-2023 Heard learned counsel for the petitioner, State and
complainant/O.P.-2.

2. The petitioner apprehends his arrest in a complaint
case punishable for the offence under Section 406 of the Indian
Penal Code and Section 138 of Negotiable Instrument Act.

3. The prosecution case, in brief, is that petitioner is
contractor of installation of tower, and for work of installation
of tower, this petitioner took Rs. 5,00,000/- (five lacs) from the
complainant and assured him to provide equipments of tower.
Thereafter, when the complainant did not receive any equipment
of tower, he demanded his money from this petitioner and
thereafter, the petitioner issued a cheque of Rs. 5,00,000/- in



favour of complainant. Thereafter, when the complainant deposited said cheque in bank, same was dishonoured, due to stop of payment by the petitioner.

4. It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case. The prosecution case is absolutely absurd and improbable. In fact, the petitioner has already returned the alleged money to the complainant and the alleged cheque was given to complainant, as security, but the petitioner did not return the said cheque and intentionally deposited in the bank, which got bounced.

5. However, learned counsel for the complainant / O.P.-2 and learned A.P.P. for the State vehemently opposed the bail petition and submitted that the cheque, which was handed over by the petitioner, got dishonoured. Besides this, petitioner has got one criminal antecedent.

6. Considering the aforesaid facts and circumstances, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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