

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39671 of 2023

Arising Out of PS. Case No.-245 Year-2022 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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NAND KUMAR JHA S/o- LATE BALA KANT JHA Village- Sumitra Villa
Appt E2, Magistrate Colony Khajpura PS - Rajiv Nagar, Dist- patna
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.
For the Complainant : Mr. Krishna Kant Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 02-08-2023 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the complainant.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420 and
406 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of four cases.
4. The complainant alleges that he gave
Rs.20,40,000/- to the petitioner for marriage of his daughter and
admission of his son in the Medical College with an assurance
that the amount shall be returned within six months thereafter
the petitioner issued two cheques dated 15.03.2022 and
20.03.2022 of Rs.7 lakhs each but the same bounced on
presentation for encashment.



5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that out of four antecedent two have been instituted by the present complainant including the present one. It is next submitted that the complainant alleges that two cheques were issued which bounced on presentation for encashment and thereafter a complaint came to be filed but then from perusal of the order impugned it manifests that cognizance has been taken under Sections 420 and 406 of the Indian Penal Code which amply demonstrates that the cheque was never presented by the complainant or else cognizance would have been taken under Section 138 of the Negotiable Instrument Act also. It is thus submitted that the complainant for reasons best known instituted the complaint when the petitioner seriously disputes the allegation.

6. Learned A.P.P. for the State and learned counsel for the complainant opposed the prayer for anticipatory bail of the petitioner but the learned counsel for the complainant is not in a position to rebut the submission of the learned counsel for the petitioner that cognizance has not been taken under Section 138 of the Negotiable Instrument Act when it is alleged that two cheques were issued and the same bounced on presentation for



encashment.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 245 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and if it is found that petitioner has more than four antecedent then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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