

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41094 of 2023

Arising Out of PS. Case No.-3746 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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RAJ KUMAR SINGH @ KANHAI, Son of Late Gauri Shankar Singh,
Resident of East Lane Makhania Kuan, P.S. - Pirbahore, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Navin Kumar Matty @ Navin Kumar, Son of Sri Om Prakash Matthey,
Resident of East Lane Makhania Kuan, P.S. - Pirbahore, District – Patna,
800004

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail in connection with
Complaint Case No. 3746 ©/2017 registered for the offence
punishable under Section 420 of the Indian Penal Code and
Section 138 of the N.I. Act.

As per prosecution case, the petitioner and
complainant are neighbour and the petitioner is proprietor of
M/S Attraction and he was in need of huge amount and
requested the complainant for loan and the complainant
provided an amount of 7,50,000/- and the same was increased to
tune of Rs. 13,80,000/-. Later on the petitioner failed to return



the said money and given different cheques. The further case of the complainant is that when the complainant deposited a cheque amounting Rs. 2 lakh for clearance in the bank, the same was dishonoured due to insufficiency of fund and thus the petitioner cheated the complainant.

Learned counsel for the petitioner submits that there was business transaction between the petitioner and the complainant and the case is of Civil nature. However, the complainant has filed the false case against the petitioner. Petitioner shall deposit the cheque amount of Rs. 2,00,000/- in four equal installments before the court concerned. He further submits that the petitioner is kidney patient and his health condition is critical. No case is made out under Section 420 of the IPC and Section 138 of the N.I. Act is bailable in nature. He further submits that the other complaint cases have also been filed by the complainant or his men against the petitioner in which he is on bail. He is in jail custody since 04.11.2022.

Learned APP appearing for the State has opposed the prayer for regular bail of the petitioner.

Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner, above named, be released on bail on furnishing



bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI, Patna in connection with Complaint Case No. 3746 (C) of 2017.

(Sunil Dutta Mishra, J)

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