

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51669 of 2023

Arising Out of PS. Case No.-1413 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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SURAJ KUMAR GUPTA Son of Sri Ram Chandra Prasad Resident of village
- Nalapar, Behind Udyog Bhawan, P.S. - Pirbahore, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. PRAMOD KUMAR GUPTA Son of Sri Ganesh Prasad Gupta Resident of
Mohalla Road No. 14 (A), Ashok Nagar, P.S. - Kankarbagh, Distt. - Patna
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramji Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-08-2023 Heard learned counsel for the parties.

2. Petitioner apprehends arrest in case registered for
the offences punishable under Sections 406, 420, 467, 468, 469,
471 and 120(b) of the Indian Penal Code.

3. It is alleged that all the accused persons, for the
purpose of cheating and forgery and in order to cause harm to
the complainant, used the cheque, which was issued by the
complainant, as security and filed a false and concocted
complaint case against him under Sections 406, 420, 120(b) of
of the Indian Penal Code and Section 138 of the Negotiable
Instruments Act.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. As a matter of
fact, petitioner has earlier filed a complaint petition *vide*



Complaint Case No. 4506(C) of 2018 whereby cognizance has been taken. Thereafter, complainant has filed Cr. Rev. No. 679 of 2019 before learned A.D.J.-XII, Patna which was also rejected. The present case is counter case of Complaint Case No. 4506(C) of 2018 and has been filed only with a view to put pressure upon the petitioner to withdraw the same.

5. However, learned A.P.P. for the State opposes the bail application and submits that the complainant and the accused were in business partnership and the complainant gave Rs. 36,50,000/- (thirty six lacs fifty thousand) to the accused persons, during the course of business, with a promise that they will return the money within six months. Later, accused persons had given four cheques to the complainant worth Rs. 36,50,000/- (thirty six lacs fifty thousand) altogether but the same bounced due to insufficient balance and thus, accused failed to return the due amount to the complainant.

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

(Prabhat Kumar Singh, J)

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