

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49635 of 2023

Arising Out of PS. Case No.-3559 Year-2019 Thana- VAISALI COMPLAINT CASE
District- Vaishali

=====

PRAHALLAD KUMAR BHAGAT Son of Bhubneshwar Bhagat Resident of
village - Mohiudinpur, P.s. - Vaishali, Distt. - Vaishali at Hajipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tripesh Kumar Singh Son of Late Ramji Singh Village - Ghataro Tok
Namidih @ Ghataro, P.s. - Lalganj, Distt. -Vaishali at Hajipur

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Upendra Kumar

=====

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 11-08-2023 Heard the learned counsel for the petitioner as well

as learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 3559 of 2019, (Trial No. 1995 of
2022) registered for the offences punishable under Sections 420
of the Indian Penal Code and Section 138 of the Negotiable
Instrument Act.

3. As per allegation, the petitioner along with co-
accused persons came at the door of the complainant. Co-
accused Jailash Devi shows her willingness to sell her land of
Khata no. 138, Khesra no. 925. Co-accused Shankar Kumar and
the petitioner Prahallad Kumar Bhagat assured the complainant



to execute the land in his favour. On the assurance of the accused persons, Rs. 11,44,000/- was finalized as consideration money for the said land. On 21.01.2016, the complainant paid Rs. 10 lacs to the accused persons and the accused Jailash Devi, executed a registered *Mahadnama* in favour of complainant on the same day. Thereafter, when the complainant asked the accused persons to take due amount Rs. 1,44,000/- and execute the sale deed, the accused persons started evading and lastly, they refused to execute the sale deed. Thereafter, the complainant requested to return his money, on which, co-accused Shankar Kumar gave a cheque of Rs. 10 lacs, but the said cheque got dishonoured on 16.09.2019. Further, the petitioner also gave him a cheque of Rs. 10 lacs, but again, it was dishonoured by the bank.

4. The learned counsel for the petitioner has submitted that petitioner is innocent and has falsely been implicated in this case. He has submitted further that a similar nature of case is also pending against the petitioner which has been lodged by own brother of the complainant, to which the learned counsel for the informant has replied that though it is admitted fact that the case mentioned in paragraph no. 3 of the bail petition lodged by brother of the informant, but it was not for the same



transaction, but for the another transaction. The complaint petition shows itself that the cheque issued by the petitioner has been dishonoured due to stop payment order.

5. In my view, the petitioner does not deserve the privileges of anticipatory bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

U		T	
---	--	---	--

