

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58591 of 2023

Arising Out of PS. Case No.-1123 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Vishal Kumar S/O Chandeshwar Prasad Singh R/O Mohalla- Subhash Nagar,
Road No. 4, Bhagwanpur, Ps. Mzaffarpur Sadar, Dist.Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Shiv Pratap Gupta S/O Late Ram Shakal Gupta R/O Village- Patahi Roop,
Ps. Muzaffarpur Sadar, Dist. Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate
For the Complainant	:	Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr.Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 12-12-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned counsel for the complainant as well as learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in connection with Trial No. 2110 of 2021 arising out of Complaint Case No. 1123 of 2018 dated 14.05.2018 registered for the offence/s punishable u/ss 420 and 406 of the Indian Penal Code and section 138 of the Negotiable Instrument Act.



4. As per the prosecution case, the complainant gave Rs. 2,70,000/- to the petitioner in several installments for the investment in the share of LIC but the complainant did not return the amount on the date fixed. When the complainant asked for his money, then the petitioner give a cheque which was dishonoured by the bank due to insufficiency of funds. Thereafter, the complainant went to the petitioner's house, the wife of the petitioner abused and threatened to kill him.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Learned counsel has further submitted that petitioner had taken a loan from the complainant on monthly interest for the treatment of his wife and in security the complainant obtained the signature of the petitioner on a plain paper and also he had taken the blank cheque. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

6. Learned counsel for the complainant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner and submitted that the complainant gave total Rs. 2,70,000/- to the petitioner but on the date fixed he did not return the said amount and the petitioner's wife threatened to kill him. Learned counsel has further



submitted that the said given cheque was also got dishonoured due to insufficiency of funds which was given by the petitioner to the complainant.

7. Considering the aforesaid facts and the circumstances of the case, I am of the view that no case for grant of anticipatory bail is made out. The petition is disposed of and the petitioners are directed to surrender to the Court below within six weeks from the date of this order and the Court below will consider the prayer of bail of the petitioners without being prejudiced by this order.

8. The application stands disposed of.

(Chandra Prakash Singh, J)

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