

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64332 of 2022

Arising Out of PS. Case No.-1515 Year-2020 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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KAUSHALENDRA KUMAR YADAV S/O RAM LOCHAN PD. YADAV @
RAM LOCHAN PRASAD YADAV Resident of Village- Kalyanpur Yadav
Market, Near Durga Mandir, P.S.- Kalyanpur, District- East Champaran.

... .. Petitioner.

Versus

1. The State of Bihar
2. RAJESH KUMAR SINGH S/O LATE BACHCHA SINGH Resident of
Village- Alaula, P.O.- Bakarpur, P.S.- Kalyanpur, District- East Champaran.

... .. Opposite Parties.

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Appearance :

For the Petitioner	:	Mr. Madhurendra Kumar
For the State	:	Mr. Mithlesh Kumar Khare
For the O.P. No.2	:	Mr. Naresh Chandra Verma Mr. Natraj Verma

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 21-07-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State assisted by learned counsel for the

opposite party no.2.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 406 and

420 of the Indian Penal Code and Section 138 of the N.I. Act.

3. The petitioner is said to have taken Rs.20 lacs

from opposite party no.2 for construction of a market and

thereafter he given two cheques of Rs.9,20,000/- and Rs.

9,80,000/-which were bounced and, on query made by the

opposite party no.2, the petitioner abused him.



4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. As a matter of fact, the opposite party no.2 is in business of money lending and the petitioner taken some amount and for this he has given some blank cheques which has been misused by him after receiving the entire amounts. It is further submitted that the petitioner neither cheated the complainant nor committed any breach of trust, hence Section 406 and 420 IPC are not attracted and Section 138 N.I. Act is bailable in nature. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP assisted by learned counsel for the opposite party no.2 opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case as well as the fact that the dispute between the parties seems to be of business transaction and civil in nature, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five 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. 1515 of 2020, Trial No.1065 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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