

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68927 of 2023

Arising Out of PS. Case No.-468 Year-2012 Thana- BUXAR COMPLAINT CASE District-
Buxar

Umakant Gupta @ Umakant S/o Awadh Bihari Prasad, Resident of C.K. 58/29 Resham Katra Ash Bhairo Chowk Varanasi, P.S. Varanasi, District-Varanasi (U.P.).

Petitioner/s

Versus

1. The State of Bihar.
2. Narendra Kumar Raj Shanti S/o Late Raj Kishore Prasad, Resident of Piparpati Road Bangla Ghat Buxar, P.S. Buxar Town, District-Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-11-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 468 (C) of 2012 dated 03.10.2012, registered for the offences punishable under Section 138 of Negotiable Instruments Act and under Section 406 of Indian Penal Code.

3. The main submissions advanced by the learned counsel for the petitioner are that the instant matter relates to a complaint case on that basis the learned Court below has taken cognizance of the offences punishable under Section 138 of NI

Act and Section 406 of IPC, but the alleged offence of 406 of IPC does not attract in this case, as the instant matter simply relates to dishonourment of cheque issued by the petitioner in favour of the OP No. 2, in fact in between them there was business transaction, however, petitioner is now ready to repay Rs. 2,40,000/- (Two lakh and forty thousand) to OP No. 2, which is stated to be due on his part in three months and he has got no criminal antecedent.

4. In view of the above proposal of repayment, learned APP appearing for the State has no objection to the prayer for bail made by the petitioner.

5. Considering the above submissions, this Court is inclined to accept the petitioner's prayer for anticipatory bail **provisionally for three months** and in view of above submission made by petitioner's counsel, petitioner is directed to make the payment of Rs. 2,40,000/- to the OP No. 2 regarding which he issued a cheque in favour of OP No. 2 and the said amount will be paid by him within three months from the date of this order to the OP No. 2. If the petitioner makes the said payment within the stipulated period, then the learned Court below will confirm the present privilege of anticipatory bail on the same bail bond taken under this order. If the petitioner fails

to make the payment of the alleged amount to the OP No. 2 within the said period, then the privilege so granted shall stand vacant. Accordingly, the petitioner’s prayer for anticipatory bail stands allowed provisionally for three months.

(Shailendra Singh, J)

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