

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63946 of 2022

Arising Out of PS. Case No.-1871 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

=====

UMESH PRASAD NIRALA S/o Sri Rohin Rai R/o Village- Khesrahi, P.S.-
Patepur, Distt- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suresh Chandra Rai S/o Sri Rohin Rai R/o Village- Khesrahi, P.S.- Patepur,
Distt- Vaishali.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Shivjee Singh
For the Opposite Party/s	:	Mr. Dr. Ajeet Kumar
For the Informant	:	Mr. Subodh Kumar
		Mr. Dinesh Kumar
		Mr. Amrendra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-02-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 420 of the Indian Penal Code and 138 of N.I. Act.

As per the prosecution case, the petitioner has issued cheque of Rs.22 lacs in favour of the complainant. It is alleged that the complainant deposited the said cheque in his bank but the cheque has been returned unpaid due to insufficient amount in the account. It is further alleged that the petitioner did not give reply of notice of the complainant and did not paid the money.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner and the complainant are brothers. He submits that on perusal of the complaint petition it appears that complainant has not stated a single word in his complaint that when and where the petitioner has taken Rs.22 lacs rupees. He further submits that partition suit no.28 of 2016 and others is also pending in the court below. Petitioner has one criminal antecedent.

Learned APP for the State as well as learned counsel for the complainant opposed the prayer for anticipatory bail. It is submitted by the learned counsel for the complainant that the allegation against the petitioner is that he issued a cheque in favour of the complainant but the same was bounced.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his/her 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.1871 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

shikha/-

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

