

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9124 of 2024

Arising Out of PS. Case No.-379 Year-2021 Thana- WAJIRGANJ District- Gaya

1. Rakesh Kumar Singh S/O Ramdahin Singh Village- Khiryawan, Ps.- Wazirganj, Dist.Gaya.
2. Durgesh Kumar Singh S/O Ramdahin Singh Village- Khiryawan, Ps.- Wazirganj, Dist.Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-02-2024 1. Heard learned Sr. counsel Mr. Krishna Prasad Singh appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Wazirganj P.S. Case No. 379 of 2021, registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. The allegation against above named petitioners is to cheat informant, as two cheques, which alleged to be issued in favour of informant, one bearing cheque no. 067937 for Rs. 2,00,000/- and another cheque no. 909065 for Rs. 2,80,000/- were dishonoured on presentation before concerned bank, where



aforesaid cheques were issued in connection with purchase of land belongs to informant.

4. Learned Sr. counsel Mr. Krishna Prasad Singh appearing on behalf of the petitioners submitted that the consideration amount already paid to informant, which is evident from annexure-2 of the present bail application. It is pointed out that the aforesaid cheques were issued for extra land, which is evident from the receiving as issued by informant, which is available at page 22 of present bail application. It is further submitted, as for any reason, negotiation of purchase failed with petitioners, therefore, bankers were instructed to stop payment against both above-mentioned cheques. While concluding argument, learned senior counsel submitted that in any case, this is not a case of cheating, rather the allegation is the subject of proceedings under Section 138 of Negotiable Instrument Act, where procedures are provisioned under Section 142 of the Act and, therefore, the present institution of criminal proceeding is just to create a pressure, which is not appearing justified. While concluding the argument, it submitted by learned Senior counsel that petitioners are men of clean antecedents.

5. Learned APP opposes the prayer of bail.



6. Considering the aforesaid facts and circumstances, as receiving of aforesaid cheques shows that same was given against purchase of rest of the land, which was never materialized, where allegation *prima facie* appears related with offence punishable under Section 138 of the N.I. Act., accordingly, both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. -I, Gaya/concerned Court, where the case is pending in connection with Wazirganj P.S. Case No. 379 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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