

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9632 of 2024

Arising Out of PS. Case No.-1080 Year-2020 Thana- GAYA COMPLAINT CASE District-
Gaya

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Chandan Kumar Pathak Son of Late Alakhdeo Pathak Resident of village-
Parhanda P.S. -Chekri (Bodh Gaya), District -Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Kishore Vishwakarma Son of Sri Harihar Prasad Resident of Village-
Baradih, PO- Baragendhar, PS- Gaya Mufassil, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Arun, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 10-05-2024 1. Heard learned counsel for the petitioner, learned

APP for the State and learned counsel for the opposite party

no.2.

2. The petitioner has preferred this application for
grant of regular bail in connection with Complaint Case no.1080
of 2020 registered under section 138 of the N.I. Act and sections
420 and 406 of the Indian Penal Code.

3. As per the prosecution case, it is stated by the
complainant that he transferred a sum of Rs.2,25,000/- to the
petitioner for some urgent work. After sometimes, though the
petitioner returned a sum of Rs.50,000/-, on asking for the
balance amount, it is stated by the complainant that the



petitioner gave a cheque of Rs.1,50,000/- which on being deposited in the Bank by the complainant bounced.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Both the petitioner and the complainant were working in the same company and the petitioner is also a victim of the fraud played by the company. After examination of the complainant and the witnesses, cognizance was taken only under section 138 of the N.I. Act which is bailable. It is submitted that the petitioner who was in custody since 6.5.2023 was enlarged on provisional bail vide order dated 22.2.2024.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the opposite party no.2. It is submitted that there is direct allegation against the petitioner of having cheated and playing fraud on the complainant. Referring to paragraph no.3 of the petition, it is submitted that the petitioner is a habitual offender having been accused in as many as ten cases from before.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, cognizance having been taken only under section 138 of the N.I. Act and this being an application for grant of regular



bail, the Court is inclined to allow the instant application.

7. It is directed that the provisional bail granted to the petitioner by order dated 22.2.2024 in connection with Complaint Case no.1080 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gaya, is hereby confirmed.

(Partha Sarthy, J)

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