

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7708 of 2024**

Arising Out of PS. Case No.-372 Year-2022 Thana- SARAN COMPLAINT CASE District-  
Saran

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1. Rakesh Kumar Chaudhary Son of late Bhagwat Chaudhary Resident of Village- Daulatpur Deoria, P.O.-Subahi, P.S.-Hajipur, Distt.-Vaishali
  2. Ajeet Singh Son of late Prabhunath Singh Resident of Village-Bhabhauli, Post-Gorhat Mathiya, P.S.-Manjhi, Distt.-Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajeet Singh Prabhunath Singh Village Bhabhauli

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar, Advocate  
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

2      29-02-2024              Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 372 of 2022 in which cognizance was taken under sections 420 of the Indian Penal Code and 138 of the Negotiable Instrument Act.

3. As per the prosecution case, the petitioner executed a sale deed in favour of the complainant on 19.04.2017 for which the complainant paid Rs. 7 lacs to the petitioner. When the complainant applied for mutation, the same was not done due to the wrong land. Thereafter the complainant started demanding



money from the petitioner. The petitioner gave a cheque of Rs. 5,50,000/- to the complainant but the same was bounced. The complainant sent a legal notice to the petitioner through his lawyer. But the petitioner neither returned money nor mutation was done. The complainant then believed that his money was defrauded by the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The present complaint is merely due to civil dispute. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State as well as the learned counsel for the complainant have vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the cheque contains the signature of the petitioner and it was given to the complainant to present in the Bank. Hence, the presumption under Section 139 of the N.I. Act shifts the burden on the petitioner.

6. Considering the aforesaid facts and circumstances of the case, I am of the view that no case for grant of anticipatory bail is made out. The petition is disposed of and the petitioner is directed to surrender before the learned



Court below within a period of six weeks from the date of receipt/production of a copy of this order and the learned Court below may consider the prayer for regular bail of the petitioner in accordance with law without being prejudiced of the order of this Court.

7. The application stands rejected.

**(Chandra Prakash Singh, J)**

Prakash/-

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