

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15918 of 2024

Arising Out of PS. Case No.-683 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Dinesh Kumar Son of Late Chandra Shekhar Prasad Resident of Kayastha
Toli, Infront of Rimjhim Club Temple, P.O.- Digha, P.S.- Danapur, District-
Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vinod Kumar Son of Late Ramchandra Prasad Resident of Nariyal Ghat,
P.O.- Digha, P.S. Danapur, District-Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Brajbhushan Mishra, Adv.
For the Opposite Party/s	:	Mr.Md. Mushtaque Alam, APP. Mr. Sanjeev Kumar, Adv. Mr. Manoj Vatasal, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-04-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406 and 417 of the Indian Penal Code.

3. The allegation against the petitioner is that he took Rs. Ten Lakhs from the complainant for business purpose and in surety, he gave a cheque of Rs. Ten Lakh, but after some days, when the complainant presented the said cheque to his Banker, the same was returned with endorsement that there is no sufficient amount in the account of the petitioner. Thereafter, he contacted the petitioner, but he refused to return the money.



Then the complainant sent a legal notice to the petitioner, but no reply was given by the petitioner.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and he has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. There is money transaction related dispute between the parties. It is further submitted that the complainant failed to produce any chit of paper showing that the petitioner had taken loan from the complainant which itself falsifies the alleged allegations levelled against the petitioner. It is further submitted that the learned Court below has not taken cognizance under Section 138 of N.I. Act as the said cheque was not dishonoured due to insufficiency of funds and found the case u/s. 406 and 417 of the Indian Penal Code. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the complainant opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as there is civil dispute between the parties, let the above



named petitioner, be released on bail, in the event of his 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. 683(C) of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

divyanshi/-

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