

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16686 of 2024

Arising Out of PS. Case No.-296 Year-2022 Thana- COMPLAINT CASE District- Sheohar

Vikash Kumar Son Of Sri Harishankar Singh Resident Of Village - Kushahar,
P.S. - Tariyani, District - Sheohar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ajit Kumar Singh Son Of Late Mahendra Singh Resident Of Village -
Aashopur, P.S. - Piprahi, District - Sheohar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-07-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the complainant.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. CI-296 of 2022 registered for the
offences punishable under Section 420 of the Indian Penal Code
and Section 138 of the Negotiable Instrument Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the complainant. It is next
submitted that from perusal of allegation as alleged in the
complaint, it would manifest that the dispute is civil in nature to



which a criminal colour has been given. It is further submitted that in sum and substance, the complainant alleges that petitioner had come to the house of the complainant seeking a loan of Rs. 21 lakh for starting his *chimni* with a condition that Rs. 5 lakh per month would be returned. Accordingly, the complainant gave the amount as the petitioner had given in writing that he would be repaying the amount of Rs. 5 lakh per month, but when the petitioner did not repay the amount as agreed, the complainant requested him to pay the money as agreed, on which the petitioner issued a cheque of Rs. 21 lakh, but the same on presentation for encashment bounced with a note "No Such Account" .

4. At this stage, the learned counsel appearing on behalf of the complainant submits that intention of the petitioner to cheat the complainant manifests from the fact that he issued cheque with respect to an account which does not exist in his name, the learned counsel for the petitioner is not in a position to rebut the said submission of the learned counsel appearing on behalf of the complainant.

5. Considering the submissions made by the learned counsel appearing on behalf of the OP No. 2, the Court is not inclined to extend the privilege of anticipatory bail to the



petitioner.

6. The prayer for anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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