

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30057 of 2024

Arising Out of PS. Case No.-2355 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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RAJESH KUMAR SINGH SON OF BHUPENDRA PRASAD SINGH R/O-
INDRAPURI BASTI, MITHANPURA, MUSAHARI, P.S.-MITHANPURA,
DISTT.-MUZAFFARPUR, BIHAR-842002

... .. Petitioner/s

Versus

1. The State of Bihar
2. SAURAV VERMA SON OF LATE MAHIM KUMAR PROPRIETOR OF
M/S MAHIMA ENTERPRISES, OFFICE-C-66, INDRAPURI COLONY,
ASHIAYAN NAGAR, P.S.-SHASTRI NAGAR, DISTT.-PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Upendra Yogesh, Advocate

For the Opposite Party/s : Mr.Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 29-07-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 408 of the IPC in connection with Complaint Case
No.2355 of 2021.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that complainant is a contractor and got the contract of



B.S.N.L., Muzaffarpur for providing labour, guards etc. and the petitioner was appointed as supervisor, the complainant use to deposit the amounts towards payment of labour and guards in the account of the petitioner and the petitioner use to make payments, further during 'Carona' period petitioner was given cheques for amount of Rs.4,06,750/- for making payment, but the payment was not made, thereafter complainant gave Rs.4,07,050/- in cash to the petitioner for making payment, but the amount was misappropriated by the petitioner and the petitioner even threatened that cheques would not be returned unless the complainant pays an amount of Rs.10 lakhs.

4. The learned counsel submits that from perusal of the allegation as alleged in the complaint, it would manifest that basically the complaint has been filed to settle monetary dispute, further complainant alleges that he use to deposit money in the account of petitioner for making payment to labourers etc., as such there was no occasion to issue cheques. It is next submitted that since complainant was facing financial hardships, as such petitioner on request made the payments in lieu of which the cheques were issued, which on presentation for encashment bounced, as such petitioner instituted complaint case under Section 138 of the N.I. Act which is pending adjudication, as



such the complainant by way of counterblast to the said complaint case instituted the instant complaint case.

5. The learned APP opposes the anticipatory bail application and submits that though it has been pleaded in the anticipatory bail application that a complaint case has been instituted under Section 138 of the NI Act, but then the case number of the said complaint case is not pleaded nor the court where the case is pending is stated in the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Patna in connection with Complaint Case No.2355 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, the petitioner at the time of surrender shall produce a certified copy of the complaint case instituted by him and the learned trial court before accepting the bail bonds of the petitioner shall verify the genuineness of the said



complaint case i.e. whether it has been filed by the petitioner or not. In the event, if no complaint case has been filed by the petitioner, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

Prakash Narayan

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