IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23004 of 2024

Arising Out of PS. Case No.-266 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Chhote Gupta @ Chhotelal Gupta Son Of Surajman Gupta Proprietor M/S Om Traders House No. Village-Vinshakhor, P.O-Vinshakhor, P.S.-Kothibhar, Distt.-Maharajganj, Bihar

... ... Petitioner/s

Versus

1. The State of Bihar
2. Ajay Kumar Son Of Late Ram Naresh Mishra Admin Head Fidwi Shiv Shakti Industries Pvt. Ltd. Main Road Raxaul Opposite Hdfc Bank, P.S.-raxaul, Distt.-east Champaran

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

2. 13-05-2024 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in a complaint case punishable for offence under Section 420 of the Indian Penal Code and Section 138 of the N.I.Act.

3. It is alleged that this petitioner had taken dealership of the company of the complainant and started purchasing chicken-feeds from the said complaint and he used to pay the amount according to his convenience, but when in the month of March, 2019 accountancy was done between both the parties, Rs.5,29,979/- became dues against the petitioner. It is further alleged that on 16-04-2019, the petitioner gave a cheque of the said amount to the company and when the said cheque was

presented before the Bank, it bounced due to insufficient money.

4. It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case. Real fat is that the complainant was in need of money and approached to the friend of petitioner to give loan and upon which, his friend asked the petitioner to pay amount to the complainant on his own credit and in that context, a cheque was given to the complainant on 16.4.2019, but immediately on 18.4.2019, petitioner informed the complainant not to deposit said cheque in the Bank and he paid amount Rs.5,40,000/- to the complainant in cash in few installments, but the complainant irrespective of that, deposited cheque fraudulently in Bank with *malafide* intention, which ultimately got dishonoured. Petitioner has got clean antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for anticipatory bail of petitioner.

6. Considering the fact that petitioner is author of the cheque, which got bounced due to insufficient fund, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J.)

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