

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26512 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- CIVIL LINE District- Gaya

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Ratan Kumar Sinha @Chhoti @Ratan Sinha Son Of Kapil Kumar @ Kapil
Dev Prasad Sinha, resident of Village - Lakhanpur, Po- Buniyadpur, Ps-
Muffasil, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shrinandan Pd. Singh, Sr. Advocate with Mr. Gaurav Kumar, Advocate Mr. Kumar Sameer, Advocate
For the Opposite Party/s :		Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Civil Lines P.S. Case No. 6 of 2024 dated 06.01.2024 instituted
for the offence punishable under Sections 406, 420 of the Indian
Penal Code and Section 138 of the N.I. Act.

3. The prosecution case, in short, is that the informant
gave fifteen lakh rupees to the petitioner for becoming partner in
Kartik Enterprises. But on failing to make the informant as a
partner in the same, the petitioner gave two cheques of Rs.
1,50,000/- and Rs. 3,00,000/- to the informant. When the
informant went to bank to encash the cheques, the same got



bounced due to insufficient funds.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that the petitioner is dealer of e-rickshaw. It is further submitted that the cheques were returned by the bank for the reason of insufficient funds in the account on 28.12.2023 and the F.I.R. was lodged on 06.01.2024 after 9 days from the date of dishonor of the cheque by the bank. No notice under Section 138 of the N.I. Act was sent to the petitioner for payment of the said amount. Learned counsel for the petitioner further submits that as per Section 142 of the N.I. Act, no court shall take cognizance in offence punishable under Section 138 N.I.A. Act without a complaint in writing made by the payee in the court. Hence, the instant F.I.R. is not maintainable. Learned counsel for the petitioner submits that the petitioner has returned the money along with the interest to the informant and at best, it is a civil dispute. It is submitted that the the petitioner returned total amount 3,14,600/- to the informant through U.P.I. having mobile no. 9430840110. After payment of all amount, the petitioner demanded his cheques from the informant, but the informant always evaded to return the cheques of the petitioner and he maliciously misused the



both cheques of the petitioner for filing of the F.I.R. Lastly, it has been submitted that petitioners have four criminal cases against him, out of which in Complaint Case No. 663 of 2015, the petitioner has been acquitted on 19.10.2022.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Civil Lines P.S. Case No. 06 of 2024, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Ist , Gaya, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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