

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.26492 of 2024

Arising Out of PS. Case No.-854 Year-2022 Thana- PATNA COMPLAINT CASE District- Patna

Sachin Bharti Son of Dular Chandra Singh R/o - Bindula Bhawan, Flat No. 1460 Lakhni Bigaha, Post- Khagaul, P.S.- Danapur, Dist.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Narwada Prasad Sahu Son of Late Nagina Sah R/o Naya Gaw, Dist.- Saran, Bihar- 841217, Local Address - Vibhakar Mishra, Post- Khagaul, P.S.- Danapur, Dist.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Prabhakar

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 18-09-2024 1. Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Complaint Case No. 854(C) of 2022, disclosing offences under Sections 406, 417 of the Indian Penal Code.

3. As per the allegation made in the complaint, the complainant paid a sum of Rs. 12 lacs to the petitioner for his personal use for which an agreement on stamp paper dated 16.06.2022 was executed between the complainant and the petitioner. It has further been alleged that on 16.06.2022, the petitioner gave two cheques of ICICI Bank dated 01.07.2022 for Rs. 3,64,000/- and Rs. 4,50,000/- respectively but both the cheques bounced on presentation.

4. Learned Counsel for the petitioner submits that on bare perusal of the complaint, no offence much less criminal



offence is made out. The allegation against the petitioner is that money was given by the complainant under an agreement which the petitioner failed to return. Learned counsel next submits that there was a business relationship between the petitioner and the complainant inasmuch as the petitioner is a certified share broker and the complainant used to invest in shares and due to loss incurred by the complainant, he prepared a forged agreement dated 16.06.2022 having the forged signature of the petitioner. The photograph pasted on the agreement has been taken from the facebook. Learned counsel further submits that on 16.06.2022, the complainant along with others entered into the house of the petitioner and took two cheques from him forcibly for which a legal notice was served by the petitioner upon complainant on 18.06.2022. Thereafter, on 15.07.2022, the complainant has filed the present complaint.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail to the petitioner and submits that two cheques were issued by the petitioner dated 01.07.2022 which bounced on presentation and as per the terms of the agreement, the petitioner had promised to return the amount paid by the complainant but he failed to return the same. Learned counsel next submits that conduct of the petitioner is not good inasmuch as he resides along with his



father-in-law at Ranchi and his father-in-law has filed a complaint case bearing Complaint Case No. 2809 of 2024 stating that petitioner is duping a large number of persons by showing himself as share broker.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties have entered into an agreement for money transaction and as per the allegation, the petitioner failed to return the money and the cheques have been bounced, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Danapur, in connection with Complaint Case No. 854(C) of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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