

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30419 of 2024

Arising Out of PS. Case No.-21 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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Rajan Kumar Son of Bahadur Sah Village- Chanidih P.O.- Sonwal, Police
Station -Paharpur District -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Brij Kishor Mishra, Adv.
For the Opposite Party/s	:	Mr.Bharat Lal, APP
For the Informant	:	Mr.Umesh Kumar Gupta, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

2. Petitioner is apprehending his arrest in connection with
Bettiah Town P.S. Case No.21 of 2018, registered for the
offence punishable u/s 406, 420 of the IPC and section 138 of
the N.I. Act.

3. As per the prosecution case, the informant had given
Rs.Three Lakhs to the petitioner for purchasing materials
required for construction of the house but the accused delayed
purchasing the required materials and when the informant asked
to return the money, he gave a cheque to the informant which
got dishonored due to insufficient fund.

4. It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has not committed any offence. He has been falsely implicated in this case due to ulterior motive. It is submitted that the informant has not disclosed as by what mode, he had given Rs.Three Lakhs to the informant and in fact, no amount has been given to the petitioner. It is further submitted that the informant has used the cheque, which was given by the petitioner as security. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the petitioner is a Contractor and the informant paid him the aforesaid amount for purchasing materials required for construction of the house but the said materials were not purchased and on demanding the money back, such cheque was provided, which got dishonored. There is specific allegation against the petitioner.

6. Considering the aforesaid facts and circumstances and the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioner is at liberty to surrender before the



learned Court below within a period of six weeks and seek regular bail and the learned Court below would pass order, preferably, in accordance with law, without being prejudiced of the dismissal of the present anticipatory bail application.

(Anjani Kumar Sharan, J)

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