

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32587 of 2024

Arising Out of PS. Case No.-1 Year-2020 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Shubhash Kumar, Son of Naresh Bhagat, Resident of Village - Kermadih, P.S.
- Kudhani, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramesh Thakur, Son of Late Rambakshish Thakur, Resident of Mohalla -
Professor Colony, Agoriya Bazaar Chauk, P.S. - Kazimahamadpur, District -
Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate
For the Opposite Party/s : Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 31-07-2024 Heard learned counsel for the petitioner and learned

APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Complaint Case No.01 of 2020 registered for the alleged offences under Sections 406, 420, 120B of the Indian Penal Code and Section 138 of NI Act in which cognizance has been taken under Section 406 of the Indian Penal Code.

3. As per the complaint case, the complainant gave his premises on rent to the petitioner, who defaulted in payment of the rent and gave some cheques to the complainant which were dishonoured.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has taken a room on rent for running his business, but due to Covid-19, the petitioner could not carry out the contemplated business and the petitioner vacated the room taken on rent. At the time of agreement, the petitioner had given a blank cheque to the complainant as security deposit which was presented twice by the complainant in order to make out a case. The cheque was issued by the wife of the petitioner but she has not been made party. The learned counsel further submits that from the facts of the case, it is evident that the dispute is civil in nature and no criminal case is made out, even the learned trial court did not take any cognizance under Section 138 of the Negotiable Instruments Act. Since it is a case arising out of an agreement of rent, no criminal offence is made out against the petitioner. The petitioner has got no criminal history.

5. Learned APP opposes the submissions made on behalf of the petitioner. The learned APP submits that the petitioner vacated the premises without making payment of Rs.45,000/- and he wants to grab his money.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



predominantly civil nature of dispute, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, 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 Additional Chief Judicial Magistrate-IX, Muzaffarpur, in connection with Complaint Case No.01 of 2020, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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