

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34106 of 2024

Arising Out of PS. Case No.-820 Year-2017 Thana- COMPLAINT CASE District- Supaul

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SURYA NARAYAN SAH S/O BHOLA SAH R/O VILLAGE- JAHLIPATTI,
WARD NO. 10, P.S- RAGHOPUR, DISTT.- SUPAUL.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. BALRAM CHAUDHARY S/O MAHADEO CHAUDHARY R/O
VILLAGE- RAJPUR, P.S- PIPRA, DISTT.- SUPAUL.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arun, Advocate
For the Opposite Party/s	:	Mr. Dilip Kumar No. 1, APP
For O.P. No. 2	:	Mr. Kamal Kishore Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 31-07-2024 Heard Mr. Arun, learned counsel for the petitioner

and Mr. Kamal Kishore, learned counsel representing the

opposite party no. 2.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 820C/2017 for the offence punishable under sections 420 of the I.P.C. and section 138 of the N.I. Act filed 04.09.2017 by the complainant, Balram Chaudhary.

3. As per the complaint, the petitioner requested the complainant to provide him Rs. 3,00,000/- for some urgent work and promised to return it within a month. The same was given to the petitioner and thereafter, he issued a cheque of Rs. 2,98,000/- which after being presented, was dishonored. The complainant's case is that when he approached the house of the petitioner, he was abused/beaten by the him. In between, legal



notice was also served upon him which remained unanswered.
Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he do not have any proof to show that he has made payment of Rs. 3,00,000/- and only because of complain that he gave it in cash, the same is fit to be rejected. Though he is unable to answer to the query why a cheque of Rs. 2,98,000/- is given to him.

5. It has been submitted by the learned counsel for the petitioner that though the complaint is of the year 2017, cognizance was taken in the year 2018. However, he fails to reply to the query why the petitioner took six long years to approach this Court.

6. This Court has also taken note of the fact that complainant was also beaten when he went to the house of the petitioner.

7. In that background as also the fact that the case is of the year 2017 and the petitioner has chosen to knock the doors of this Court seven years later, no case of anticipatory bail is made out, the same is rejected.

(Rajiv Roy, J)

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