

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38078 of 2024

Arising Out of PS. Case No.-462 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Aniket Bhardwaj @ Dhiraj Singh S/o Vijay Singh R/o Hari Nagar, Mohalla-
Shivpuri, Ward No.20, Near Gali Sunil Mobile, P.S Ramnagar, District West
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Harinarayan Prasad S/o Late Nathuni Prasad R/o Krishi Bazar Samati Road,
Suman Bihar, ward no. 03, Narkatiyaganj, P.O. - Narkatiyaganj, Distt. - West
Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwari
For the Opposite Party/s : Mr.Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-07-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 420 of the
Indian Penal Code and Section 138 of N.I. Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the complainant. It is next
submitted that from perusal of allegation as alleged in the
complaint, it would manifest that the dispute is purely civil to
which a criminal colour has been given. It is next submitted that



complainant alleges that he had purchased a Dumper (Tipper) for earning his livelihood by giving it on rent thereafter the petitioner approached him on 11-6-2021 and it was agreed that the petitioner will use the Dumper and will pay the rent which was fixed at Rs. 350 per tonne, thereafter the petitioner used the Dumper from 11-6-2021 to 15-7-2021, accordingly an amount of Rs. 6,16,744/- got accumulated out of which the petitioner had made payment of Rs. 3,76,744/-, as such Rs. 2,40,000/- was due for which the petitioner issued a cheque of Rs. 2 lakh, but the cheque on presentation for encashment bounced on 19-2-2022.

4. Learned counsel for the petitioner submits that even presuming what has been alleged is true without admitting then the dispute arose in between the petitioner and the complainant in pursuance of an agreement as such the case is of breach of an agreement and if any condition of the agreement has been breached then definitely the same does not give rise to a criminal action, it is also submitted that petitioner has his own defence as to why the cheque did not get honoured, but then definitely a case under Section 420 IPC is not made out in the nature of allegation. It is also submitted that petitioner will face the trial before the learned trial court and will suffer the



consequences in the event if the trial is decided against him, but then submits that offence under Section 138 N.I. Act is bailable.

5. In view of the submission made by learned counsel for the petitioner, the court does not find it a fit case to issue notice to the OP No. 2.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 462(C)/2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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