

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38052 of 2024

Arising Out of PS. Case No.-2181 Year-2019 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Harish Kumar @ Rajesh Paswan Son of Harendra Paswan R/O Village -
Fatikwara, P.S.- Deshri, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Sah Son of Late Sitaram Sah R/O Jafrabad, P.S.- Deshri, Dist.-
Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hemant Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 04-07-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 420 of the IPC and Section 138 of the N.I. Act in
connection with Complaint Case No.2181 of 2019.

3. The 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 informant.



4. It is next submitted that in the nature of allegation prima facie no offence under Section 420 of the IPC is made out, but then offence under Section 138 of the N.I. Act has been committed. It is also submitted that the complainant alleges that he had purchased the Scorpio vehicle for a sum of Rs.5,00,000/- from the petitioner, but later he came to know that the vehicle was not in a proper condition, as such he requested the petitioner to take back the car and return his money, on which the petitioner issued the cheque in question which on presentation for encashment bounced. It is submitted that it is not the case of the complainant that petitioner right from the beginning had any intention to cheat. It is also submitted petitioner will face the trial before the learned trial court and, in the event, if the complainant succeeds the petitioner will face the consequence.

5. The learned APP opposes the anticipatory bail application.

6. 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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Hajipur, Vaishali in connection with Complaint Case No.2181 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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