

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39177 of 2024

Arising Out of PS. Case No.-778 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Aditya Narayan Son of Late Satya Narayan Paswan Resident of Mohalla-
Ambedkar Chowk ,Chitkohra, P.S-Gardanibagh, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Anil Kumar Son of Rampreet Prasad Resident of Village- Bari Badalpura,
P.S- Khagaul, Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 778 of 2016 registered under Sections
406 and 420 of the Indian Penal Code and Section 138 of the
Negotiable Instrument Act lodged on 16.03.2016 by the
complainant, Anil Kumar.

3. As per the prosecution story, the complainant
alleged that for selling the shop situated in Boring Road, Patna,
the petitioner fixed the price of Rs. 35,00,000/- and the
complainant paid around Rs. 10,00,000/-. Later, as the
transaction did not took place, the petitioner issued five cheques



of Rs. 2,00,000/- each to the complainant but all of them bounced due to insufficient fund. The legal notice sent, was not answered which followed the complaint.

4. Learned counsel for the petitioner submits that there was some confusion as also financial crunch due to which the payment could not be made and now he is ready to pay the entire amount to the complainant, Anil Kumar by a demand draft issued by the local State Bank of India branch. The further submission is that though there is some delay, there was no intention to cheat the complainant.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the transaction took place 10 years ago and the petitioner despite the knowledge of the cheque having been bounced chose not to repay the amount.

6. Though there is delay in approaching this Court as also the fact that despite bouncing of the cheques, the petitioner chose not to make payment now that the case has been lodged, he will have to face the music and is ready to pay Rs. 10,00,000/- to the complainant by a demand draft, this Court is inclined to grant him privilege of anticipatory bail. The Demand Draft is to be submitted along with the surrender



petition which shall be handed over to the petitioner after checking his credentials.

7. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Patna in connection with Complaint Case No. 778 of 2016 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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