

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37770 of 2023

Arising Out of PS. Case No.-367 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Chandan Kumar @ Chandan Kumar Singh @ Mantu S/O Paras Nath Singh @
Paras Nath Kushwaha R/O Village- Chini Mill Road, Near Water Tank
Chhota Bariyarpur, Ward No. 38, Ps. Chhatauni, Dist. East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar
For the State	:	Mr. Choubey Jawahar
For the Informant	:	Mr. Vikash Kumar Pankaj
		Mr. Pratiyush Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

8 29-03-2024 1. Heard learned counsel for the petitioner, learned
counsel for the opposite party no.2 and learned APP for the
State.

2. The petitioner seeks bail in anticipation of his
arrest in Trial No.285 of 2022 arising out of Complaint Case
No.367 of 2022 registered for the offences punishable under
Sections 420 and 504 of the Indian Penal Code and Section 138
of the N. I. Act.

3. In the nature of allegation as alleged in the
Complaint Case, the Court is not inclined to extend the privilege
of anticipatory bail to the petitioner for the reason that the
complainant alleges that the cheque issued in favour of the



complainant by the petitioner was with respect to an account which was closed. Thus, it is submitted by the learned counsel appearing on behalf of the opposite party no.2 that petitioner never had any intention of returning the amount, which he had taken from the complainant for which the cheque was issued. It is also submitted that since the cheque was issued with respect to an account which was closed much prior to the issuance of the cheque that in itself demonstrates that petitioner right from the beginning had intention to cheat. It is further submitted that petitioner is in habit of committing such fraud and thus, has been implicated in two more cases of similar nature.

4. The learned counsel for the petitioner is not in a position to rebut the submission made by the learned counsel appearing on behalf of the opposite party no.2 that the cheque issued was with respect to an account which was closed, but then, submits that the cheque was issued in favour of one Vikash Kumar by way of security in the Year 2016 and it appears that the same has been misused.

5. The said submission of the learned counsel appearing on behalf of the petitioner is rebutted by the learned counsel appearing on behalf of the opposite party no.2, who submits that the cheque was issued in name of the complainant.



6. Considering the submission made by the learned counsel appearing on behalf of the opposite party no.2, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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