

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41228 of 2024

Arising Out of PS. Case No.-20 Year-2022 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Satendra Kumar Dubey @ Bachan Dubey Son Of Late Ram Belas Dubey
Resident Of Village - Tetri, Police Station - Sasaram (M), District - Rohtas
... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shailesh Kumar Son Of Chandeshwar Singh Resident Of Village - Kaithi,
Post Office - Mujrar, Police Station - Nokha, District - Rohtas
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate
For the Opposite Party/s : Md. Ataur Rahman, A.P.P.
Mr. Om Prakash Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 28-08-2024 Heard learned counsel for the petitioner, O.P. No. 2
and the State.

2. Petitioner apprehends arrest in case registered for
the offence punishable under Section 420 of the Indian Penal
Code.

3. Prosecution case, in brief, is that complainant
agreed to purchase land of the petitioner at Rs. 30 lacs. On
14.11.2019, pursuant to the agreement, complainant gave Rs. 21
lacs and an agreement was prepared on stamp paper to the effect
that after lapse of two years sale deed would be executed by
taking rest of the amount of Rs. 9 lacs. But the sale deed was not
executed according to the agreement and after several requests,
on 12.11.2021, petitioner gave a cheque of Rs. 21 lacs to



complainant which got dishonoured.

4. Learned counsel for the petitioner submits that it is a case of miscalculation. Entire prosecution case is false and concocted and as a matter of fact, due to dispute over the amount, complainant signed the cheque in different hand writing with *mala fide* intention only to harass the petitioner. He next submits that the dispute is of civil nature and no case is made under Section 420 of the Indian Penal Code against the petitioner. Petitioner claims clean antecedent.

5. Learned counsel for the O.P. No. 2 vehemently opposed the bail application and submitted that there is specific allegation that this petitioner took Rs. 21 lacs and thereafter, refused to execute the sale deed and gave forged cheque to the complainant that got bounced. Petitioner has not disputed the agreement between the parties.

6. Considering the nature of accusation and the fact that petitioner is author of the cheque that got bounced, prayer for anticipatory bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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