

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44815 of 2024

Arising Out of PS. Case No.-12384 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Rahul Kumar Son of Late Anil Prasad R/O FLAT NO. 402, NUTAN HARI
SEVA APARTMENT, P.S.- JAKANPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Dwarika Prasad Son of Late Viswanath Prasad R/O Vikas Colony, A.G.
Colony, Main Road, Near LUV academy, P.S.- Shastrinagar, Dist.- Patna
3. Smt. Babita Kumari Wife of Dwarika Prasad R/O Vikas Colony, A.G.
Colony, Main Road, Near LUV academy, P.S.- Shastrinagar, Dist.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Madhukar Anand, Advocate
For the State	:	Mr. Rajendra Singh, APP
For Opp. Party Nos.2&3	:	Mr. Devi Das Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-08-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a complaint case registered for the offence punishable under Section 406 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

3. It is a case of cheque bounce. As per prosecution case, this petitioner gave four cheque in the name of Babita Kumari (Opposite Party No. 3) and Dwarika Prasad (Opposite Party No. 2) amounting to Rs. 40,51,000/-, all of which got dishonoured due to insufficiency of funds.

4. It is submitted by learned counsel appearing on



behalf of the petitioner that the petitioner has been falsely implicated in this case. From bare perusal of the complaint petition it is apparent that dispute between the parties is civil in nature and none of the acts allegedly committed by this petitioner would give rise to any criminal liability. However, at this stage, without admitting his guilt, petitioner is ready to deposit the disputed amount amounting to Rs. 40,00,000/- (Rupees forty lacs only), in easy installments.

5. Considering the aforesaid facts and circumstances, prayer for grant of anticipatory bail to the petitioner is allowed.

6. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.F.C., Patna, in connection with Complaint Case No. 12384(c) of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, along with the following terms and conditions:

- A. At the time of furnishing bail-bond **Rs. 10,00,000/-** (Rupees ten lacs) shall be paid to the complainants/Opposite Party Nos. 2 & 3 through demand draft.
- B. Rest amount i.e. **Rs. 30,00,000/-** (Rupees thirty lacs) shall be paid to the complainants/Opposite Party Nos. 2 & 3



through demand draft in 15 equal installments within a period of 15 months from the date of furnishing bail-bond.

C. If petitioner fails to comply the aforesaid direction of this Court, the Court below is free to cancel the bail-bond of the petitioner.

7. It is made clear that without going into the merit of the case, the aforesaid order has been passed only for the purpose of grant of bail.

(Prabhat Kumar Singh, J)

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