

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49580 of 2023

Arising Out of PS. Case No.-2112 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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Rajesh Kumar Nirala Son of Shatrughan Prasad Gupta Resident of Village -
Bangwan, P.S.- Barahat, District – Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar Singh Son of Shri Subhash Singh Resident of Village -
Anantpur, P.O.- Diha, P.S.- Guraru, District - Gaya, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 8 06-09-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Complaint case no. 2112 of 2019, disclosing
offences punishable under Section 406 of the Indian Penal Code
and Section 138 of N.I. Act.
3. The prosecution story, as per the complainant who
is said to be the Secretary In-charge of the N.G.O. known as
Kanya Vivah and Vikas Society, is that the petitioner along with
two other accused persons are said to have misappropriated the



money of the N.G.O. to the tune of Rs. 18,41,750/-. This amount was collected from the girls by the petitioner and others being the collecting agent of the N.G.O.

4. Learned counsel for the petitioner submits that similar allegation has been levelled jointly against three persons including one Sulekha Kumari and the other Bimal Kumar who have been granted anticipatory bail by a Co-ordinate Bench of this Court as well as this Court in Cr. Misc. No. 1703 of 2023 and Cr. Misc. No. 13361 of 2023, respectively.

5. Learned counsel for the informant opposed the prayer for bail and submits that the petitioner can't claim parity with the co-accused persons, inasmuch as cognizance against them was taken only under Section 406 of the Indian Penal Code whereas cognizance against the petitioner has been taken under Section 406 of the Indian Penal Code and Section 138 N.I. Act. Petitioner accepted the allegation and gave cheque of Rs. 18,41,750/- dated 11.11.2019 which was dishonoured.

6. Learned counsel for the petitioner disputed the submission of informant and submits that as per agreement dated 20.01.2016, entered into between the complainant/ N.G.O. and the petitioner, signed blank cheque was given by the petitioner as security which has been misused by the N.G.O.



7. Regard being had to the submissions made by the parties, taking into consideration the fact that Section 138 N.I. Act is bailable and the fact that similarly situated accused persons have been granted anticipatory bail by this Court as well as co-ordinate Bench of this court, I am inclined to grant anticipatory bail to the petitioner.

8. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of six weeks from today on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate -1st Class, Gaya in connection with Complaint Case No. 2112 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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