

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47279 of 2023

Arising Out of PS. Case No.-443 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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RAMBABU SINGH SON OF LATE MUNSHI SINGH RESIDENT OF
VILLAGE TINKONI, PS- DARPA, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. PRAMOD PRASAD SON OF LATE MOSAFIR RAI RESIDENT OF
VILLAGE- JHITAKAHIYA, PS- ADAPUR, DIST- EAST CHAMPARAN

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Rashmi Jha Mr. Abhishek Kumar
For the Opposite Party/s	:	Mr. Dilip Kumar No.1, APP
For the Complainant	:	Mr. Kundan Rathore

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2024 Heard Mrs. Rashmi Jha , learned counsel for the

petitioner, Mr. Dilip Kumar No.1, APP on behalf of the State as

well as Mr. Kundan Rathore, learned counsel for the

complainant.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 406, 420 of the Indian
Penal Code and Section 138 of the N.I. Act.

3. The allegation against the petitioner is that he along
with other co-accused person received huge amount of
Rs.30,00,000/- from the complainant in seven installments in
the name of executing a sale deed in favour the complainant. In



the year 2019, when the complainant asked the accused persons to execute the sale deed, the accused persons started making excuses. Thereafter, the complainant came to know that the petitioner and other accused have sold some piece of the land to another person. The petitioner and other accused persons issued a cheque in favour of the complainant but the same got dishonoured due to insufficient fund in the account.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. He submits that prior to the filing of the present case, the complainant has filed another complaint against the petitioner and his brother for the same allegation but the same has been withdrawn by the complainant. It is a civil nature of dispute between the parties. She further submits that cognizance has been taken against the petitioner u/s 406 and 420 of the IPC and 138 of N.I. Act. She further submits that similarly situated co-accused has been granted anticipatory bail by this Court vide order dated 30.01.2024 passed in Cr. Misc. No.47605 of 2023. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the complainant vehemently opposed the prayer for anticipatory bail.



6. Having regard to the facts and circumstances of the case as it is a case of civil dispute between the parties, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned 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 the learned court below where the case is pending/Successor Court in connection with Complaint Case No.443 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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