

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47605 of 2023**

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

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RUDAL KUMAR SINGH @ RUDAL SINGH S/O LATE MUNSHI SINGH
R/O Village- Tinkoni, P.S- Darpa, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Pramod Prasad S/O Late Mosafir Rai R/O Village- Jhitkahiya, P.S- Adapur,
Distt.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar Mrs. Rashmi Jha
For the Opposite Party/s	:	Mr. Dr.Mrityunjaya Kr.Gautam
For the Complainant	:	Mr. Kundan Rathore @ Kundan Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-01-2024 Heard the parties.

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has filed another complaint against the petitioner and his brother for the same allegation but the same has been withdrawn by the complainant.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. He further submits that cognizance has been taken against the petitioner u/s 406 and 420 of the IPC and 138 of N.I. Act. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the complainant 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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