

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54629 of 2023

Arising Out of PS. Case No.-630 Year-2014 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Rajesh Kumar Son Of Late Jag Narayan Sahu Resident Of Village - Singhiya,
Police Station - Singhiya, District - Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar, Patna
2. Sanjay Pratap Son Of Singheshwar Prasad Gupta Resident Of Village - Kanp
Bazar, Police Station - Sourbazar, District - Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh, Adv.

For the Opposite Party/s : Mr.Umanath Mishra, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

7 13-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Complaint Case No. 630C of 2014 dated
15.05.2014 wherein cognizance has been taken under Section
406 of the Indian Penal Code and Section 138 of the Negotiable
Instrument Act.

3. As per the prosecution case, the Complainant
entered into an agreement with the petitioner for providing
Generator service for RTPS work at Block Office, Sourbazar
and in lieu thereof, the petitioner had to pay a sum of Rs.
10,400/- per month to the Complainant. It is further alleged that



the Complainant provided Generator service from September 2011 to March 2014. Thereafter, the petitioner transferred a sum of Rs. 1,59,800/- out of a total dues of Rs. 3,22,400/- and the remaining dues was not cleared. It is further alleged that upon several requests, the petitioner gave a cheque of amount of Rs. 21,000/- which was got dishonored by the bank and subsequently, the Complainant sent a notice to the petitioner but no reply was received then the Complainant filed a complaint case against the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that from bare perusal of the complaint, it is apparent that the same has been filed for settling contractual as well as accounting dispute between the parties. It is further submitted that in compliance to the order dated 06.12.2023, the cheque amount of Rs. 21,000/- (Rupees Twenty One Thousand only) was deposited in the account of the Complainant through UPI, on 09.01.2024 and the same has been mentioned in the supplementary affidavit filed on behalf of the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently



opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Saharsa in connection with Complaint Case No. 630C of 2014, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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