

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56043 of 2024

Arising Out of PS. Case No.-490 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Munna Prasad Son Of Late Binda Prasad R/V- Mohalla- Belbanwa, P.S.-
Town, Motihar, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gaurav Prakash
For the Opposite Party/s : Mr.Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-08-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406 and
420 of the Indian Penal Code and Section 138 of the Negotiable
Instrument Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that petitioner purchased wood from his shop for an
amount of Rs. 21,07,500/- and paid only Rs. 1,07,500/- and
gave cheque of Rs. 20 lakh which on presentation for
encashment bounced, further it is also alleged that petitioner and
complainant were known to each other as such the cheque was



accepted.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the complainant. It is also submitted that it is not the case of cheating as the learned Magistrate has taken cognizance of offences under Section 406 of the IPC read with Section 138 of the N.I. Act. It is also submitted that even Section 406 of the IPC in the nature of allegation as alleged is not made out. It is next submitted that even presuming what has been alleged is true without admitting then the petitioner had issued a cheque of Rs. 20 lakh in favour of the complainant which on presentation for encashment bounced, but then it is submitted whether the cheque was issued for the valid consideration or the complainant obtained the cheque from the M.D. of the Company, Raj Kumar Singh is an issue to be decided in the trial. It is next submitted that petitioner along with others were Directors in MHT Developers Pvt. Ltd. engaged in business of real estate and Raj Kumar Singh was M.D of the Company and the documents of the company along with cheque book etc. were kept in the premises of the Raj Kumar Singh from where the company operated and it was at the instance of Raj Kumar Singh that the complainant was inducted in the company for



dealing in land and for bringing the customers. It is also submitted that on account of some difference, Raj Kumar Singh resigned as M.D. of the Company on 9-7-2021 and thereafter the petitioner took a loan of Rs. 30 lakh from the company in name of getting lands registered with the company and also executed an agreement with the petitioner wherein it was agreed that in the event if the complainant is not able to get lands registered in the name of the company, he will repay Rs. 30 lakh as would manifest from the Agreement dated 21-10-2019 (Annexure-4), it is also submitted that since complainant could not repay the amount as such a dispute arose when Raj Kumar Singh helped in giving the cheque book of the petitioner which was misused by the complainant at the behest of the Raj Kumar. It is also submitted that offence under Section 138 of the NI Act is bailable and if the petitioner is not able to prove his case in the trial, he will face the consequences but then no purpose would be served by sending the petitioner to judicial custody when from perusal of the allegation as alleged in the complaint, it would manifest that the complainant does not even remotely suggest that any bill was issued with regard to purchase of wood by the petitioner.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 490 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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