

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58379 of 2024

Arising Out of PS. Case No.-1001 Year-2021 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Rameshwar Chaubey, aged about 56 years (M), Son of Satya Narayan Chaubey, R/O Vill.- Dubwaliya Chaubey Tola, P.S.- Lauriya, Dist.- West Champaran.

... .. Petitioner

Versus

1. The State Of Bihar.
2. Seema Devi, aged about 44 years (F), Wife of Baidyanath Prasad, R/O Vill.- Shanti Nagar Dhobiya Tola, Ward No. 10, P.S.- Lauriya, Dist.- West Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Raj Kishor Singh

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Complaint Case No. 1001C of 2021 dated 20.08.2021 registered for the offences punishable under Sections 420 of the I.P.C. and Section 138 of the N.I. Act.

3. As per the prosecution case, the petitioner and the other co-accused persons took friendly loan of Rs. 10,00,000/- from the complainant and at the time of taking the said loan



amount, the petitioner promised the complainant that he would return the said amount within a period of six months but he did not return and after making much pressure, the petitioner gave a cheque bearing No. 667010 of the State Bank of India, Sahadatpur, Lauriya, of Rs. 9,40,000/- on 14.10.2021 and the accused persons gave assurance that remaining amount would be returned as soon as possible. The bank account number of the cheque of the petitioner is 32331894721. The complainant deposited the aforesaid cheque for its encashment in her bank account no. 2366287197, Central Bank of India, Bettiah Branch, on 12.03.2021 but the same was returned with comment that 'payment was stopped from the bank account of the petitioner as instructed by the petitioner' hence, due to that reason, payment was not received and in this regard, bank has issued a certificate on 20.03.2021. It is further alleged that the complainant has annexed photo copy of the cheque and the certificate issued by the bank to the complaint petition. The complainant met with the petitioner for payment of the aforesaid amount but no positive step was taken by the petitioner. Thereafter, on 25.03.2021, the complainant sent a legal notice to the petitioner but neither he sent reply of the said legal notice nor he returned the aforesaid amount.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that Mina Devi, the wife of the petitioner, had already filed Lauriya P.S. Case No. 17 of 2021 on 15.01.2021 registered for the offences punishable under Sections 448, 341, 323, 379 and 506/34 of the I.P.C. against her relatives Panchanand Mishra, Umrawati Devi, Abhay Mishra, Ankur Mishra @ Anish Mishra and 3-4 unknown persons for assaulting and taking documents of land and bank, cheque book and cash of Rs. 2,00,000/- from her house. The present complaint was filed by the complainant on 20.08.2021 after filing of Lauriya P.S. Case No. 17 of 2021 on 17.01.2021. It is further submitted that the real fact is that the complainant has filed the present false complaint case for putting pressure for realization of the cheque amount which was not issued in her favour but Panchanand Mishra, the Nandoi of the petitioner's wife alongwith 3-4 unknown persons had committed theft of the cheque of the petitioner who is the husband of Mina Devi taking advantage of close relationship for which case was lodged by Mina Devi the wife of the petitioner. The charge sheet has already been submitted in the present case. The petitioner has two criminal antecedents which are of similar nature of offence



as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 15.03.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to 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 learned J.M. Ist Class, Bettiah, West Champaran in connection with Complaint Case No. 1001C of 2021 with further conditions:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

2. If the petitioner is found involved in similar nature of offence in future, his bail bond is liable to be cancelled.

3. The petitioner is directed to co-operate during the trial in the learned court below.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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