

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60286 of 2024

Arising Out of PS. Case No.-386 Year-2023 Thana- CHAKAND District- Gaya

1. Ravindra Kumar Son Of Jageshwar Prasad Resident Of Mohalla - Saketpuri South Of Bazar Samiti Sampatchak, P.S. - Rajendra Nagar ,DISTRICT - Patna (CHAIRMAN Of G.D. Goenka School, Gaya)
2. Jay Prakash Son Of Ramesh Kumar Gupta Resident Of Opposite Lane No.6, Shiv Shakti Kirana Store, Chandmari Road Sheikhpura, P.S. - Kankarbag, District - Patna (ACCOUNTANT Of G.D. Goenka School Chakand, Gaya)
3. Raushan Kumar Son Of Ajit Kumar Resident Of Village - Shahbajpur, P.S. - Mehendiya, District - Arwal (ADMINISTRATOR Of G.D. Goenka School, Chakand, Gaya)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh
For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 30-09-2024 1. Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the informant.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 406, 420 and 34 of the Indian Penal Code.
3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that she is proprietor of a petrol pump at Gaya, it is next alleged that buses of G.D. Goenka School used



to purchase Diesel and Petrol from the petrol pump of the informant and the payment was being made, it is also alleged that Ravindra Kumar is the owner cum Director of G.D. Goenka School. It is further alleged that on account of business transaction, cordial relations developed and thereafter the school started taking petrol and diesel on credit basis, further Ravindra Kumar issued a cheque dated 26.06.2023, but when the same was presented for encashment on 15.09.2023 to the bank, the same was returned with a remark, payment stopped and when the husband of the informant confronted, Ravindra Kumar on the said issue, he was abused and humiliated by the petitioners. It is also alleged that the amount still remains unpaid.

4. The learned counsel appearing on behalf of the petitioners submit that a civil dispute has been given a criminal colour. It is also submitted that though it is alleged that cheque on presentation for encashment was returned with a remark, payment stopped but then the case has not been instituted under Section 138 of the N.I. Act, which cast an aspersion on the case of the prosecution that as to whether any cheque was even issued by the petitioner no. 1 or not. It is further submitted that the police during the course of investigation had given the benefit of Section 41A of the Cr.P.C. to the petitioners. It is also



submitted that benefit of Section 41A of the Cr.P.C. cannot be construed as police bail, as police has power to arrest during the course of investigation even after issuing notice under Section 41A of the Cr.P.C., if the investigating authority is of the view that arrest of the accused is necessary, but then, the arrest has to be made in accordance with the due procedure. It is also submitted that during the course of investigation, police never felt the need of arresting the petitioners, as such, no useful purpose would be served by sending the petitioners to jail.

5. The learned counsel appearing on behalf of the petitioners opposes the anticipatory bail application but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that the case has not been instituted under Section 138 of the N.I. Act and the police, during the course of investigation never felt the need of arresting the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000 /- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned A.C.J.M. Xth
Gaya in connection with Chakand P.S. Case No. 386 of 2023,
subject to the conditions laid down under Section 438(2) of the
Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Sudhanshu/-

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