

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59652 of 2023

Arising Out of PS. Case No.-3377 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Nitik Rahul S/O Late Anil Kumar Srivastava Resident Of A 97, P.C. Colony,
Ps. Kankarbagh, District Patna, Pin 800020

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bijendra Kumar Son of Surendra Prasad R/o vill and P.S. - Naganausa, Distt. -Nalanda. Authorised Representative of Singh and Co Kurji Pool, P.S. - Digha, distt. - Patna, Prop. Sujit Singh S/o Late Ramdeo Singh R/o Mohalla - Kurji, P.S. - Digha, Distt. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Pd Singh No.1

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 07-03-2024 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 420 of the
Indian Penal Code and Section 138 of the N.I. Act.

3. As per complaint, the complainant paid Rs. 37
lakhs to the petitioner to execute agreement for sale but the
petitioner refused to execute agreement and in order to pay back
the amount, the petitioner issued four post dated cheque which
became dishonoured due to insufficient balance. A legal notice
was sent to the petitioner but no amount has been paid till date.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner has been falsely implicated in this case which will be apparent from the perusal of Kankarbagh P.S. Case No. 113 of 2018 which is lodged by Sujeet Singh against the petitioner and his relative and in that FIR there is no mention of any cheques of Rs. 37 lacs and no mention of purchased a plot in Kankarbagh area and the present complaint case is not filed by him rather he authorized Bijendra Kumar to file a complaint case and authority letter dated 08.08.2018 is given by the said Sujeet Kumar Singh. He further submits that petitioner and others have been granted bail on 15.03.2018 in Kankarbagh P.S. Case No. 113 of 2018. Sujeet Kumar Singh along with 3-4 associates came at the residence of the petitioner on 08.02.2018 and committed marpit, looted Rs. 5000/-, 10 mobile sets from mobile shop of petitioner and at the point of pistol and they forcibly snatched eight black cheques containing his singnature and also forced him to put his signature on blank stamp paper besides other offence and this matter was reported by mother of petitioner to SSP, Patna. He submits that the matter relates to purely civil in nature. He further submits that petitioner has one criminal antecedent as



stated in para-3 of the bail application.

5. Learned APP for the State and learned counsel for the opposite party no. 2 opposing the prayer for bail submit that there is huge amount transactions conflict between both the parties and accused has failed to return the amount fraudulently.

6. Considering the facts and circumstances of the case and the fact that the nature of dispute between the parties is civil, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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. 3377 (C) of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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