

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69744 of 2023**

Arising Out of PS. Case No.-1300 Year-2019 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

Ramashankar Singh Son Of Nandlal Singh Resident Of Village - Mai, P.O. -
Mai, P.S. - Kerakat, District - Jaunpur (UTTAR Pradesh)

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Bajrang Khetan Son Of Late Jagdish Khetan, Permanent Address - House No.12, Flat No.32, Sidharth Naresh Vihar-2, Birdopur, P.S. - Bhelupur, District - Varanasi (UTTAR Pradesh). At Present Address - M/S. Ganpat Rai, Kewal Ram Trading Company Private Limited, Karnasa G.T. Road, Near Maharaja Line Hotel, P.S. - Durgawati, District - Kaimur (BHABUA).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

7 06-08-2024 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 offence punishable under Sections 406, 420 of the Indian Penal Code & Section 138 of the N.I. Act.

3. The learned counsel for the petitioner submits that from perusal of the office report dated 02.08.2024, it would manifest that the same records that the ordinary notice has been returned stating by the process server that O.P. No.2 does not reside at the given address. The learned counsel submits that the notice was sent on the address given in the complaint but then it



appears that the O.P. No.2 is deliberately avoiding the notice.

The Court proposes to pass an order on merits.

4. From perusal of the allegation, as alleged in the complaint, it manifests that the dispute was a business dispute and during the course of business transaction, cheques were issued, which on presentation for encashment, bounced. The learned counsel for the petitioner submits that the offence under section 138 of the N.I. Act is bailable and in the nature of allegations, as alleged in the complaint, prima facie, no offence under sections 406 and 420 of the Indian Penal Code is made out. The learned counsel next submits that the cheques were issued by way of surety and the same was misused by the complainant but then submits that in the event if the complaint case is decided in favour of the complainant, in that event, the petitioner will suffer the consequences but in the event, if the complainant is not able to prove his case before the learned trial court, the petitioner would be acquitted but then no useful purpose would be served by sending the petitioner to jail.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. 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 Court below 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.1300/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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