

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68068 of 2023

Arising Out of PS. Case No.-113 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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AJEET KUMAR @ AJIT KUMAR SON OF NAWAL KISHORE SINGH
RESIDENT OF VILLAGE- NAUDIHA KALA, PS- WAZIRGANJ, DISTT-
GAYA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. PRABODH KUMAR SON OF LATE AMRIKA SINGH RESIDENT OF
VILLAGE- NAUDIHA KALA, PS- WAZIRGANJ, DISTT- GAYA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shashank Chandra
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh
For the Complainant	:	Mr. Aryan Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2024 Heard learned counsel for the petitioner, learned
counsel for the complainant as well as learned APP for the
State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 406 and
420 of the Indian Penal Code and 138 of N.I. Act.

3. The prosecution case, in brief, is that the complainant
runs small business of centering goods and one day the
petitioner went to the shop of the complainant and made
discussion with the complainant regarding purchase of
centering goods on credit for the purpose of construction of



house. Further, the complainant agreed to provide the products on credit and it was agreed that the payment will be made on daily basis as and when the products will be sent. On the said assurance, the complainant delivered centering products to the petitioner worth Rs.14,00,000/-, for which Rs.1827/- was incurred as transportation cost, out of which the petitioner paid Rs.25,000/- to the complainant and after lapse of about a month, the petitioner did not paid the remaining amount neither the products of the complainant were returned. The petitioner issued a cheque of Rs.14,00,000/- in favour of the complainant but the same was returned by the Bank on account of insufficient fund.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. He submits that the learned Court below took cognizance u/s 406 of IPC and 138 of N.I. Act. He further submits that there is no material available in the complaint petition to show that the petitioner has committed cheat and forgery with the complainant. It is only a verbal statement that the petitioner has misappropriated Rs.14,00,000/-of the complainant.



Petitioner has no criminal antecedent, which is also mentioned in para-3 of the bail application.

5. Learned APP for the State as well as learned counsel for the complainant opposed the prayer for anticipatory bail. It is submitted by the learned counsel for the complainant that there is specific allegation against the petitioner that he gave a cheque to the complainant which got dishonored due to insufficient fund and this fact is also not denied by the learned counsel for the petitioner.

6. Having regard to the facts and circumstances of the case as well as considering that this a case of civil dispute between the parties, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, 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.113 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. However, the petitioner is directed to remain physically present in the court on each and every date during



trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Anjani Kumar Sharan, J)

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