

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.70577 of 2023

Arising Out of PS. Case No.-1388 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

RAJDEO PD SINGH @ RAJDEO SINGH Son of Late Saryug Prasad Singh
R/o Paraspatti (Near Science College), Simra, Sitamarhi, P.s. - Dumra, Distt. -
Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Daya Shankar Tiwary Son of Late Baidyanath Tiwary R/o Mazar Gali,
Shiekhpora, P.S. - Shastri Nagar, Distt. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishnand Jha
For the State	:	Mr. Nand Kishore Prasad
For the Complainant	:	Mr. Pawan Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioner, learned A.P.P.
for the State and learned counsel for the complainant.

2. The petitioner apprehends his arrest in Complaint
Case No. 1388(C) of 2017 registered for the offences punishable
under Section 406 of the Indian Penal Code pending in the Court
of learned A.C.J.M.-IX, Patna.

3. The complainant alleged that the petitioner has
taken Rs. 4 lakh and promised to return within 6 months.
Thereafter, the petitioner gave a cheque to the complainant which
was returned by the Bank upon presentation with an endorsement
“refer to drawer”. The Bank asked the complainant to change the
cheque as the same was too old. The complainant approached the
petitioner, but the petitioner refused to change the same.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that it is a civil/money dispute between the parties, therefore, no criminal case is made out against the petitioner. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the complainant opposed the prayer for anticipatory bail and submitted that the process under Section 82 of Cr.P.C., has been issued against the petitioner, thereafter, the petitioner has filed an application for anticipatory bail in the learned Court below and on that basis the learned Court below dismissed his application for anticipatory bail.

6. Considering the facts and circumstances of case and the fact that the process under Section 82 of Cr.P.C., has been issued against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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