

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78051 of 2024

Arising Out of PS. Case No.-61 Year-2019 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Anand Kumar @ Anand Mohan Kumar @ Anand Mohan Kumar Singh Son
of Braj Mohan Kumar R/o Village- Pokhara Mohalla, Veer Kunwar Singh
Colony, P.S.- Town Hajipur, Dist.- Vaishali, Bihar- 844101

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Sah Son of Ganesh Lal Sah Resident of Mohalla - Mednimal, Katra,
P.S. - Hajipur Town, District - Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Chandra Shekhar Singh, Adv.
For the Opposite Party/s :	Mr. Ram Bilash Roy Raman, APP. Mr. Ravish Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Complaint Case No. 61 of 2019 registered for the offences
punishable under Section 420 of the Indian Penal Code and
Section 138 of the N.I. Act.

3. Allegedly, the petitioner is said to have taken Rs.
1,31,000- from the complainant in the name of business but did
not return any amount to the complainant. However, on repeated
demand, the petitioner gave two cheques of Oriental Bank of
Commerce having amount of Rs. 45,000/- and 86,000/-,



respectively, but both the cheques got dishonoured.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. It is strange enough to imagine that the complainant gave Rs. 1,31,000/- to the petitioner without executing any stamp paper. The real fact of the matter is that the complainant himself entered in the alleged business to earn profit under a contract, hence no debt or legal liability exists between the complainant and the petitioner. Learned counsel further submits that petitioner has two criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that petitioner is a habitual offender of committing fraud in name of business, which is also evident from his criminal antecedents of similar nature of offence that of the present case. Hence, the petitioner does not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of the case as well as the criminal antecedent of the petitioner, I am not



inclined to enlarge the petitioner on anticipatory bail. The prayer
for anticipatory bail of the petitioner is hereby rejected.

7. Accordingly, the application stands dismissed.

(Anjani Kumar Sharan, J)

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