

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67909 of 2023

Arising Out of PS. Case No.-1505 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Md. Gulab S/O Md. Idrish Miya Resident Of Village - Nakchhed Tola, Ward
No.-4, P.S- Town Motihari, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Jaan Babu S/O Makshud Ansari R/O Village- Chatiya Tola Math, P.S-
Malahi, Distt.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar
For the State	:	Mr. Harendra Prasad
For the Complainant	:	Mr. Dhananjay Kumar No.2

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 19-03-2024 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 a case
registered for the offences punishable under Section 406 of the
Indian Penal Code and 138 of the N.I. Act.

3. The allegation against the petitioner is that he
took Rs. 3,25,000/- from the complainant for executing sale
deed in favour of the complainant, later on petitioner denies to
sell the land and agreed to return the amount of Rs. 3,25,000/-
by cheque. When the complainant presented the said cheque
before the Bank, the cheque has been bounced due to closure of
the account of the petitioner.

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 the learned Court below has taken cognizance against the petitioner under Section 406 of the IPC and Section 138 of the N.I. Act. Petitioner has one 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.

6. Considering the facts and circumstances of the case and the fact that cognizance has been taken by the Court below under Section 406 of I.P.C. and Section 138 of N.I. Act, let the above named petitioner, be released on bail, in the event of his 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. 1505 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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