

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81506 of 2023

Arising Out of PS. Case No.-206 Year-2020 Thana- NAUTAN District- Siwan

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PRADEEP KUMAR RAI @ PRADEEP KUMAR RAY @ PRADIP RAY S/O
SHRI RAJKISHORE RAI VILLAGE- REPURA, PS. HATHUWA, DIST.
GOPALGANJ

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAKESH KUMAR MISHRA S/O RAMESHWAR MISHRA VILLAGE-
HASUA, PS. NAUTAN, DIST. SIWAN

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Adv.
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Nautan P.S. Case No. 206 of 2020 (arising out of
Complaint Case No. 2255/2016) dated 10.12.2020 instituted for
the offence punishable under Sections 420, 120(B) of the IPC
and Section 138, 142 of N.I. Act.

3. The allegation against the petitioner is that the
petitioner had cheated the complainant for a sum of Rs. 35 Lacs
in business which runs in partnership.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. It is also submitted that petitioner is a contractor of Road



Construction Department. The petitioner obtained a tender for road construction from Public Works Department and on 22.12.2018, the petitioner executed power of attorney in favour of complainant by which the complainant was empowered for running contract business of the petitioner of Public Works Department (Road). It is further submitted that the petitioner opened a joint account in the State Bank of India, Main Road, Buxar Branch with the complainant. The work was going on but the complainant failed to comply with the balance sheet account, then the petitioner terminated him from his company by Deed of Revocation on 10.08.2010. After termination of the complainant, when the petitioner took charge of contract work and after some years, he learnt that two signed cheques of the petitioner were missing. Soon thereafter, the petitioner filed an informatory petition bearing No. 103/2015 before the learned CJM, Buxar on 09.01.2015. The present Complaint Case has been filed on 20.04.2017 which was converted into FIR by the order of learned Chief Judicial Magistrate, Buxar. It is also submitted that the present Complaint Case/FIR has been lodged after six years of termination of complainant from his company. Lastly, it has been submitted that petitioner has got no criminal history.



5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Nautan P.S. Case No. 206 of 2020 (arising out of Complaint Case No. 2255/2016), he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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