

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71882 of 2023**

Arising Out of PS. Case No.-27 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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RATANDEB MAHTO @ RATANDEO MAHTO Son of Dev Kumar Mahto
Resident of village - Pastan, P.S.- Andhratadhi, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Kali Chandra Jha Son of Late Suresh Jha Resident of village - Rampur, P.S.-
Madhwpur, District - Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shivnandan Bharti
For the State	:	Mr. Mukesh Kumar Singh
For the O.P. No. 2	:	Mr. Subash Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 09-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State and learned counsel for the O.P. No. 2.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 406 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

3. As per the prosecution case, the petitioner has taken some money from the complainant for the purpose of business and purchasing of truck. When the complainant demanded his money back, the petitioner gave two cheques to the complainant but when the complainant deposited the aforesaid cheques, then one cheque was dishonoured due to



insufficient fund and another due to drawer's signature differs.

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 petitioner has never taken any personal loan from the complainant. The transactions of amount were between the parties for business purpose. The complainant suffered some loss in business and for reimbursement for the said loss in business and for reimbursement of the said loss the instant complaint case has been lodged against the petitioner. He further submits that the learned Court below has taken cognizance u/S 420, 406 of I.P.C. and Section 138 of the N.I. Act. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State and learned counsel for the opposite party no. 2 opposed prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that the Court below has taken cognizance under 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. 27 of 2022, 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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