

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78262 of 2023

Arising Out of PS. Case No.-1331 Year-2015 Thana- ROHTAS COMPLAINT CASE
District- Rohtas

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RAJENDRA CHAUDHARI @ RAJENDRA SINGH SON OF LATE
ASHMUNI CHOUDHARY RESIDENT OF VILLAGE - PATADHI, POLICE
STATION - SHIV SAGAR, DISTRICT - ROHTAS

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. YAMUNA PRASAD JAISWAL SON OF SRI UMA SHANKAR JAISWAL
RESIDENT OF VILLAGE - BIYARBANDH, POST OFFICE - DUMARI
(SHAHPUR), POLICE STATION - SHIVSAGAR, DISTRICT - ROHTAS

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Pranav Kumar , APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and the

State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under section 420 of the Indian Penal
Code 1860 .

3. The case of the prosecution is that this petitioner,
along with other co-accused persons, opened a centre for
purchasing *Basmati* rice. It is next alleged that he sold rice to
the centre opened by the petitioner, and in lieu, the petitioner
gave him a check issued by another accused, and the check on
presentation for encashment bounced.



4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner had never opened any centre for purchasing basmati rice; rather, Niladri Gupta and Kaushaki Gupta, who are residents of Kolkata, were involved in the business of buying paddy from farmers, and they had purchased a huge quantity of basmati rice from local farmers in the years 2014–15, and the same was stored in the warehouse on a rental basis under the supervision of Canara Bank, Sasaram. It is next submitted that the petitioner had merely given his premises on rent at the request of the local farmers for their consumers, and Canara Bank, Sasaram, was the real custodian of the stored paddy. It is further submitted that even though the check was not issued by the petitioner, as such, no offense under Section 420 of IPC can be attributed to him. It is further submitted that the petitioner in a similar matter has already been granted the privilege of anticipatory bail by learning different Coordinate Benches of this Court, as would be evident by the order dated August 24, 2023, in Cr. Misc. No. 28841 of 2023.

5. Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances



of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate , Sasaram in connection with Complaint Case No. 1331 of 2015 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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