

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75140 of 2023

Arising Out of PS. Case No.-567 Year-2021 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Upendra Prasad @ Pappu Natraj, Son Of Baldeo Ram @ Baldeo Prasad
Village- Baradih Ps- Sasaram Dist- Rohtas At Present Kailash Nagar Lane -7,
Sasaram Dist- Sasaram

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Jai Prakash Singh
For the Opposite Party/s :	Mr.Umanath Mishra
	Ms.Alka Singh
	Mr.Shudhanshu Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 04-07-2024 1. Heard learned counsel for the petitioner, the
learned counsel appearing on behalf of the complainant and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 406 of the Indian Penal Code and Section 138 of the N.
I. Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and has been falsely
implicated in the instant case by the complainant. It is further
submitted that in sum and substance, the allegation is that
complainant gave a friendly loan of Rs.24 Lacs to the petitioner



as the petitioner had requested for the said loan in the name of constructing his house with an assurance that the same would be returned within an year, but the money was not returned and the petitioner issued a cheque of Rs.24 Lacs which on presentation for encashment bounced.

4. The learned counsel for the petitioner submits that no doubt, petitioner had given a cheque of Rs.24 Lacs to the complainant, but then, the said cheque was not towards repayment of Rs.24 Lacs which the complainant is alleging as the complainant never gave any friendly loan of Rs.24 Lacs to the petitioner. It is next submitted that the petitioner deals in sale and purchase of land, as such, he had entered into an agreement with one Krishna Kumar Singh for selling the land of the complainant and for the said reason, he had issued the cheque to the complainant by way of surety, but then, the same was misused and instant complaint case came to be instituted. The learned counsel further submits that even presuming what has been alleged is true without admitting, then prima facie, no offence under Section 420 of the I.P.C. is made out. It is also submitted that petitioner will prove his case in the trial that the cheque issued in favour of the complainant was not towards any consideration, but the same was issued by way of surety. It is



also submitted that in the event, if the petitioner is not able to prove his case before the learned trial, in that event, he will face the consequences, but then, submits that offence under Section 138 N.I. Act is bailable.

5. Learned the learned counsel appearing on behalf of the complainant as well as learned A.P.P. opposes the anticipatory bail application, but are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that offence of cheque bouncing is a bailable offence.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Sasaram, Rohtas in connection with Complaint Case No.567 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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