

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71225 of 2022

Arising Out of PS. Case No.-59 Year-2020 Thana- CHAKIA District- East Champaran

DILIP KUMAR Son of Late Suryadev Sah Resident of Village - Chakiya,
Ward No.- 05, Gandhi Lane, P.S.- Chakiya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon

For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 04-01-2024 Heard learned counsel for the petitioner and learned A.P.P. for
the State

2. The petitioner apprehends his arrest in Chakiya P.S. Case No. 59 of 2020 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code and Section 138 of the N.I. Act pending in the Court of learned C.J.M., East Champaran at Motihari.

3. The prosecution case, in brief, is that the petitioner is said to have hired the tractor of the informant at the rate of Rs.20,000/- per month and it was agreed by the petitioner that he will deposit Rs.17,850/- per month in the account of financier of the tractor and rest Rs.2150/- shall be paid to the informant but after taking tractor the petitioner paid only 3-4 months installment and thereafter neither he deposited the installment



in the account of the financier nor paid to the informant. It is further alleged that informant was also working as a labour of the petitioner and on this head Rs.2,40,000/- was also pending against the petitioner and when the informant demanded the same a cheque was issued in his favour which got dishonored.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. It is further submitted that this is a case of purely money dispute which comes under the purview of civil nature. The petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. On 07.12.2023, on the request of learned counsel for the petitioner, two weeks' time was granted to him to file a supplementary affidavit bringing on record the bank details by which the petitioner has made payment to the financier but today learned counsel for the petitioner is not in a position to state anything about the payment.

6. Considering the fact aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below



would pass order on the same day in accordance with law
without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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