

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79821 of 2024

Arising Out of PS. Case No.-195 Year-2024 Thana- AMNAUR District- Saran

Deepak Kumar Singh S/o- Satrudhan Prasad Singh R/o- Amnour Ps- Amnour
Dist- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandan kumar jha S/o- Mishri jha R/o- IAS Colony Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Ranjan, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 05-12-2024 Heard learned counsel for the petitioner and Mr.
Pramod Kumar Pandey, learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Amnour P.S. Case No. 195 of 2024 instituted for the offence under Sections 406, 420, 467, 468, 504 and 506 of the Indian Penal Code and Section 138 of N.I. Act.

3. The case of the prosecution is that on the assurance of this petitioner, the complainant has made an agreement to purchase residential land belonging to Bhagirath Kuwar, Awadhesh Tiwari, Amarendra Tiwari, Upendra Tiwari and Umesh Tiwari and it is further alleged that Rs. 11 lakh was given as an advance to them in their bank account. It is further



alleged that Rupees two lakhs and sixty five thousand was returned to the complainant by the proposed vendors, after this, he met the petitioner who assured him to pay the remaining amount and issued three cheques of Rupees Seven lakh and sixty three thousand. It is also alleged that the said cheques were bounced due to insufficient fund.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. From perusal of the complaint petition, it is clear that the advance amount was handed over to proposed vendors. Not a single penny was given to the petitioner. The only allegation against the petitioner is that he had issued three cheques which got bounced. If at all, this petitioner had issued cheque in that case, the case under Section 138 of N.I. Act is made out for which the complainant should follow the provisions of Section 142 of the N.I. Act. Moreover, the allegation of Section 138 of the N.I. Act isailable. It is further submitted by learned counsel for the petitioner that petitioner has got four criminal antecedents in which he is on bail in all those cases.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner.



6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Amnour P.S. Case No. 195 of 2024, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 8th at Chapra at Saran subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

Shubham/-

U		T	
---	--	---	--

