

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1432 of 2024

Arising Out of PS. Case No.-404 Year-2021 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Jagdanand Singh, Son of Late Ram Payare Singh, Resident of Village-
Mirzapur (Deliyan), Ward No. 34, P.S.- Sasaram (T), District- Rohtas
... .. Petitioner

Versus

1. The State of Bihar
2. Ajit Kumar, Son of Janardan Prasad Gupta, Resident of Village- Takiya,
Ward No. 01, Yusufchak, Near N.D.A. School Samittee Gate, P.S. Sasaram,
District- Rohtas
... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Ashok Kumar Singh, Advocate
For the State	:	Mr. Choubey Jawahar, APP
For the O.P. No. 2	:	Mr. Dhaneshwar Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner, learned

counsel for the opposite party no. 2 and learned APP for the

State.

2. The petitioner in the present case is seeking pre-
arrest bail in connection with Complaint Case No. 404 of 2021
in which cognizance has been taken under Section 420 of the
Indian Penal Code and Section 138 of the Negotiable Instrument
Act. In paragraph ‘3’ of the application, it is stated that there are
two other cases against the petitioner.

3. As per the prosecution story, in March, 2020, the
witness no. 1 of the complaint case asked the complainant to
meet with the petitioner who was introduced as a contractor of

Nal-Jal Yojana at Sasaram. The petitioner asked the complainant to invest in his contract which the complainant procrastinated. Again, in the month of June, the petitioner approached the complainant and agreed to return his invested money along with 25% interest of the profit. The complainant invested about Rs.18,00,000/- in the contract till February, 2021. After the complainant asked for returning his money, the petitioner gave him a cheque of State Bank of India worth Rs.10,00,000/- dated 15.04.2021 in front of the witness. When the complainant tried to encash the cheque in his ICICI bank account, the same stood dishonored due to stop payment instruction by the petitioner. The complainant had also sent registered notice to the petitioner about the said incident and tried to get the matter resolved but it could not be done.

4. Learned counsel for the petitioner submits that it is a case of dispute arising out of a contract. The petitioner has also filed a complaint case against the opposite party no. 2 in which cognizance has been taken by the learned court below. It is submitted that it is the complainant who has misappropriated on the amount brought by the petitioner in the business.

5. On the other hand, learned counsel for the opposite party no. 2 submits that the petitioner has moved this Court by

suppressing material facts regarding his criminal antecedent. It is submitted that the petitioner is accused in eight criminal cases and in Complaint Case No. 837 of 2022, this petitioner has been declared absconder and process under Section 83 Cr.P.C. has been initiated against him.

6. In paragraph '3' of the application, though the petitioner has disclosed about Complaint Case No. 837 of 2022 but he has not declared the fact that in the said case, process under Section 83 Cr.P.C. has been ordered.

7. Learned counsel for the petitioner has though attempted to make a statement that the petitioner has applied for anticipatory bail in the said complaint case matter, having gone through the uncontroverted submissions that the petitioner is facing as many as eight criminal cases of similar nature where the cheques issued by him for huge amount have stood dishonored, further taking note of the fact that in the present case, the cheque worth Rs.10,00,000/- stood dishonored on presentation because of stop payment instruction by the petitioner, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

8. The prayer for anticipatory bail of the petitioner is refused.

9. This Court finds that the deponent of the affidavit in support of the petition has apparently suppressed the criminal antecedent of the petitioner in an attempt to mislead this Court, therefore, this Court imposes a cost of Rs.10,000/- upon the deponent Mr. Sanjay Kumar Singh, Son of Bindeshwari Singh, Resident of Village- Sisirit Tola, Nokha Sisrit, Rohtas. He will deposit this amount with the Patna High Court Legal Services Committee within a period of four weeks from today, failing which appropriate action in accordance with law shall be taken against him for realization of the amount and the Court will consider passing any other appropriate order.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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