

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35609 of 2024

Arising Out of PS. Case No.-74 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Suresh Prasad Son of Yogendra Prasad R/o Vill.- Katkenwa, Bhawanipur
Bazar, P.S.- Nakardei, Dist.- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajiv Kumar Dubey Son of Late Hari Kishore Dubey R/O Vill.- Bhaluahia,
P.S.- Adapur, Dist.- East Champaran, Motihari.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s	:	Mr. Dinesh Singh, APP
For the Complainant	:	Mr. Deepak Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-04-2025 Heard Mr. Sharda Nand Mishra, learned counsel

for the petitioner, Mr. Deepak Kumar, learned counsel appearing
on behalf of the complainant as well as Mr. Dinesh Singh,
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. C-74 of 2021 for the
offences punishable under Section 406 of the Indian Penal Code
and Section 138 of the NI Act.

3. According to prosecution case, this petitioner took
Rs. 24,00,000/- from the complainant for some personal work
and for which the petitioner has given him 5 cheques worth Rs.
24,00,000/- but when the complainant presented all these



cheques in the Bank, all the cheques became dishonored. It is further alleged that when complainant demanded his money back from the petitioner then this petitioner along with other accused persons abused and assaulted the complainant and also snatched gold chain from his neck.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offences as alleged in the complaint petition.

5. Pursuant to the direction of this Court vide order dated 31.07.2024, the matter was referred to Patna High Court Mediation Centre for settlement of dispute between the parties. Report of the learned Mediator dated 22.10.2024 reveals that the dispute between the parties could not be resolved through the process of mediation.

6. The learned counsel appearing on behalf of the complainant submits that the despite undertaking given before this Court or before the learned Mediator, the petitioner has not paid any single amount to the complainant and today when the matter was called out, learned counsel for the petitioner



outrightly submits that the petitioner is not ready to pay single amount to the complainant.

7. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

8. In view of the aforesaid, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Complaint Case No. C-74 of 2021 pending in the court of Judicial Magistrate (N.I. Act), East Champaran, Motihari.

9. Prayer is refused.

(Rajesh Kumar Verma, J)

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