

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33779 of 2025

Arising Out of PS. Case No.-939 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

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Hari Sewa Nand @ Harisewa Nand Prasad S/o- Late Bhikhari Lal Village-
Haziya Pur Raod Ward No 26, Block More P.S. Gopalganj, Near Railway
Station District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumaresh Singh, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-05-2025 Heard Mr. Kumaresh Singh, learned counsel for the

petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Gopalganj P.S. Case No. 939 of 2024 for the offence under sections 318(4) and 316(2) of the Bhartiya Nyaya Sanhita and 138 of the Negotiable Instruments Act lodged on 26.12.2024 by the informant, Naresh Sharma.

3. As per the prosecution story, the informant alleged that for a piece of land, the petitioner was to pay Rs. 11,00,000/- out of which, Rs. 8,24,000/- was paid. A *cheque* of Rs. 1,00,000/- was given and it was promised that remaining amount will be paid by cash. Later and as the petitioner had cheating in mind since the beginning, neither the cash was paid



nor the *cheque* was cleared, it bounced and despite best of his efforts, the petitioner chose to look the other way. This led to the FIR.

4. Learned counsel for the petitioner submits that sale deed shows that the informant received all the amount and as such, the claim is baseless only to harass him.

5. Learned APP opposes the prayer submitting that even going by the allegation, Rs. 1,00,000/- *cheque* has been bounced and it is not the case of the petitioner that subsequently, he paid the amount.

6. Taking into account the submissions of the parties as also that a case is made out against the petitioner, in that background, he is not entitled for any relief.

7. The anticipatory bail application stands rejected.

(Rajiv Roy, J)

Adnan/-

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