

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69396 of 2024

Arising Out of PS. Case No.-897 Year-2023 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

=====

Dipak Kumar @ Deepak Kumar Son of Prem Sah Village- Prasotipur, Ps-
Ramgadhwa, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajan Kumar Son of Manoj Prasad village- Noneya Paraha Tola, Ps-
Paharpur, Dist- East Champaran P/A- village- Kudhiya Ahwar shekha, Ps-
Majhauriya, Dist- West Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey
For the Opposite Party/s	:	Mr.Kumar Veerendra Narayan
		Mr. Sachida Nand Rai, Adv

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-01-2025 1. Heard learned counsel for the petitioner, learned

A.P.P. for the State and the learned counsel appearing on behalf

of the OP No. 2.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Section 420 of the

Indian Penal Code and Section 138 of Negotiable Instrument

Act.

3. The learned counsel for the petitioner submits that

complainant alleges that the petitioner had taken an amount of

Rs. 6,80,000/- in cash in the name of providing job with the

Railways, further when the job was not provided, it is alleged



that petitioner issued a cheque of Rs. 6,80,000/- which on presentation for encashment, bounced.

4. The learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the complainant. It is next submitted that allegations are in realm of allegations and the complainant alleges that an amount of Rs. 6,80,000/- in cash was paid to the petitioner. It is next submitted that even presuming what has been alleged is true without admitting, then the complainant was also seeking a back door appointment based on bribery, which in itself is an offence, as such it is submitted whether the court would believe such person who tried to hoodwink the law for seeking appointment through back door. It is further submitted that offence under Section 138 of the NI Act is bailable and the petitioner will contest.

5. The learned APP and the learned counsel appearing on behalf of the OP No. 2 are not in a position to rebut the said submission of the learned counsel appearing on behalf of the petitioner that allegations are in realm of allegations and that there is no proof of payment of Rs. 6,80,000/- in cash and even presuming what has been alleged is true without admitting, then whether the complainant is a bonafide person when he himself



was seeking appointment through back door by resorting to bribery.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 897 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

SUMIT/-

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

