

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.70821 of 2024

Arising Out of PS. Case No.-1250 Year-2019 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Raviranjana Verma @ Kinu Verma Son of Late Kanhaiya Prasad Resident of
village- Ramparsauna, P.O. and P.S. Lawriya, District- West Champaran.

... .. Petitioner

Versus

1. The State Of Bihar
2. Kumar Nikhil S/O Ravindera Kumar R/O Mohalla Harivatika Pokhar P.S
Bettiah Muffasil Dist west champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajdeep Kumar, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, A.P.P.

Mr. SK Verma, Hemand Ray, Advocates

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

5 03-04-2025 Heard learned counsel for the petitioner, the State and
the opposite party no.2.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 420, 406 and 504 of the
Indian Penal Code and section 138 of the NI Act.

3. As per the prosecution case, informant is licensee of
Vishal Tiles and Marbles which deals in the house construction
articles, situated at Industrial Area, Bettiah. Petitioner used to
take away articles for his necessity in cash and on credit time to
time. In this way, he took articles of Rs. 68533 and Rs. 61435.
when informant demanded money, then on 18.11.2012 petitioner
gave a cheque no. 000003 for Rs. 68533 and on 30.6.2018
petitioner gave in writing on the plain stamp of Rs. 100/- for
Rs. 61435 and promised to pay the money till 01.07.2018.
Cheque, which was given by the petitioner was bounced on
20.11.2017 due to insufficiency of fund and its legal information
was sent by father of the informant through advocate Shree
Gopal Singh to the petitioner and after that petitioner requested
informant not to take any action and



promised to return entire amount but did not return and lastly on 29.7.2019, the informant and witnesses met the petitioner and demanded his amount, then petitioner abused informant and denied to return money.

4. Learned counsel appearing for the petitioner submits that the cheque given by the petitioner vide cheque No.- 000003 dated 18.11.2017 was presented by complainant for encasement in Bandhan Bank Ltd. Said cheque dishonored and returned on dated 20.11.2017. Then complainant sent a legal notice by registered post on dated 10.09.2018. Notice was not served within time hence u/s 138 Negotiable Act, 1881 not made out. As per complaint, agreement between petitioner and complainant held on dated 30/06/18 on the 100 Rupees plain stamp paper to the effect that petitioner will pay the amount of Rupees 61435 on dated 1/7/2018 is false and fabricated. Hence the section 406 of Indian Penal Code is not made out. greement paper produced by the opposite party no.2 is a false document. Petitioner claims clean antecedent.

5. Learned counsel for State and opposite party no.2 oppose the prayer for bail. Learned counsel for opposite party no.2 submits that there is specific allegation against the petitioner that he took materials from firm of opposite party no.2 and gave him cheque in question which got dishonoured.

6. Considering the nature and gravity of allegation, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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