

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84601 of 2024

Arising Out of PS. Case No.-398 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

Rajesh Dubey S/O Parmeshwar Dubey Resident of Village- Jalalpur Khurd,
P.S- Kuchaikote, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Gajendra Kumar Singh
For the State : Mr. Nawal Kishore Prasad
For the Informant : Mr. Vyas Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-01-2025 Heard learned counsel for the petitioner, learned A.P.P
for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in a complaint
case punishable for offence under Section 406/420 of the Indian
Penal Code.

3. The prosecution case, in short, is that the informant
paid total Rs. 34 lacs to the petitioner for purchasing a piece of
land and petitioner for security gave three cheques to informant,
but the petitioner did not execute the sale-deed in favour of
informant and when informant presented aforesaid cheques in
Bank for encashment, the same got bounced due to insufficient
fund.

4. Learned counsel for the petitioner submits that
dispute is of civil nature and informant has got remedy under



the Specific Relief Act or he may file money suit. As a matter of fact, the informant runs a committee and used to take money from the local persons and on assurance that he shall give a hefty amount if they invest the amount in his committee, as a result of which, on assurance of informant, petitioner gave three blank cheques and taking advantage of the situation, the informant has filed this false case.

5. However, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that as per agreement between the parties, the informant paid Rupees 34 lacs to the petitioner and when petitioner failed to execute sale-deed in favour of the informant and refund aforesaid amount, the informant presented aforesaid cheques, which got bounced due to insufficient fund.

6. Considering nature of accusation and the fact that the cheques, issued by the petitioner, got bounced due to insufficient fund, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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