

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 5439 of 2025

Rajesh Kumar Mishra, aged about 47 years, S/o Baban Kumar Mishra, R/o 120- Janta ROW house, Road No.7, P.O. & P.S. Adityapur, Dist. Seraikella-Kharswan, Jharkhand
... **Petitioner**

-Versus-

The State of Jharkhand

... **Opposite Party**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	: Mr. Abhishek Kumar Dubey, Advocate
For the State	: Mrs. Vandana Bharti, A.P.P.
For the Informant	: Mr. Rohan Mazumdar, Advocate

03/17.09.2025 Heard learned counsel appearing for the petitioner, learned counsel appearing for the State and learned counsel appearing for the informant.

2. The petitioner is apprehending his arrest in connection with Seraikella P.S. Case No.123/2022, registered for the offence under Sections 467, 406, 420, 506, 34 of the Indian Penal Code, pending in the Court of the learned Chief Judicial Magistrate, Seraikella.

3. Learned counsel appearing for the petitioner submits that the petitioner is working as a small-time contractor, dealing in supply of scrap materials and there was a business relation of the informant with the petitioner and the co-accused persons. He further submits that even not a single pie has been transferred in the account of the petitioner and the allegation is made that the informant has paid sum of Rs.30 Lakhs in cash to the petitioner. He also submits that even it is not disclosed what is the purpose of giving such huge amount in cash to the petitioner. He submits that the informant had taken 2 blank cheques from the petitioner and also from the co-accused persons as security cheques and when the business relation

turned sour, he filled up the blank cheque to the tune of Rs.30 Lakhs and get them dishonoured and then made out a story that the petitioner has taken sum of Rs.30 Lakhs for managing the villagers. He further submits that in absence of filing any case under Section 138 of the Negotiable Instrument Act, the present case has been lodged.

4. Learned counsel appearing for the State submits that it appears that the matter is arising out of money transaction.

5. Learned counsel appearing for the informant opposed the prayer and submits that intention of cheating from very beginning was there and in view of that, Sections 467, 406, 420, 506 and 34 of the Indian Penal Code is made out and, as such, the prayer for anticipatory bail may kindly be rejected.

6. Considering that it has not been denied by the informant that the amount in question has not been paid in the account of the petitioner, however, allegations are made that amount has been paid in cash and two blank cheques have been taken from the petitioner and co-accused and the informant got them dishonoured and further considering that the complaint case has not been filed by the informant for dishonour of the cheque and present case has been lodged alleging that the petitioner has taken sum of Rs.30 Lakhs from the informant and also considering that prima facie it appears that the dispute is of civil in nature and in the attending facts and circumstances of the case, I am inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the above-named petitioner is directed to surrender before the learned Court within three weeks from today and in the event of

his arrest or surrender, he will be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Seraikella in connection with Seraikella P.S. Case No.123/2022, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Sanjay Kumar Dwivedi, J.)

Dated: 17th September, 2025
Ajay/