

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30058 of 2019**

Arising Out of PS. Case No.-301 Year-2018 Thana- MADHUBANI COMPLAINT CASE  
District- Madhubani

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1. BIMAL PRASAD S/O- Late Narshing Sah R/o-Village Anandpur, P.O.- P.S.- Jainagar, District- Madhubani.
  2. Smt. Chanchala Devi W/O Bimal Prasad R/o-Village Anandpur, P.O.- P.S.- Jainagar, District- Madhubani.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ajay Kumar Singh S/O- late Sheodhari Singh Presently residing at Village Ushrahi, P.S.- Deodha, District- Madhubani.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Anwar Karim  
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL ORDER**

3      01-08-2019                      Heard the learned counsel for the petitioners and  
learned APP.

2. The petitioners apprehend their arrest for the alleged offences under Sections 323, 341, 452, 379, 504,470 of the Indian Penal Code and under Section 138 of the N.I. Act registered in connection with C.R. Case No. 301/2018 (T.R. No. 1841/2018).

3. The petitioner has been falsely implicated on the accusation of having taken a loan of Rs.2,40,000/- from the complainant, but the three cheques by way of repayment bounced. It is submitted that the allegations do not attract



the ingredients of the non-bailable offences alleged against the petitioners. Moreover, well before the alleged occurrence, the petitioners had reported to the G.R.P., Jainagar Station on 06.07.2016 itself as well as to the concerned bank with regard to missing/stolen seven signed cheques, including the three cheques now said to have bounced. The allegation that the petitioners had taken the loan for purposes of education of his two daughters is false as the petitioners have taken education loan from State Bank of India and Central Bank of India in the year 2009-10 and in the year 2015 respectively. The mala fide intention of the complainant is evident also from the fact that the petitioner's wife has been needlessly implicated against whom no accusation whatsoever has been made. The petitioners claim clean antecedents.

4. Learned counsel for the complainant appears and opposes the petition, reiterating that the petitioner has taken a loan of Rs. 2,40,000/- but the same has not been refunded. A counter affidavit has been filed containing a letter of the petitioner addressed to the Superintendent of Police, Madhubani admitting the fact of taking the loan.

5. Be that as it may, the provisional bail granted to



the petitioners by order dated 10.05.2019 pending in the Court of learned ACJM, Madhubani in connection with C.R. Case No. 301/2018 (T.R. No. 1841/2018) is hereby confirmed.

Chandran/-

**(Vikash Jain, J)**

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