

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4373 of 2023

Arising Out of PS. Case No.-404 Year-2020 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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ABHISHEK KUMAR S/o Late Brahma Nand Choudhary R/o Mohalla- New
Balbhadrapur, Ramanand Path, P.S.- Laheriasarai, Distt- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sushil Kumar Jha, son of Jagarnath Jha, village Sahanpur, P.S. Singhwara,
District Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Nilendu Kumar Choudhary, Advocate
For the State	:	Mr. Anil Kumar Singh No.1, APP
For the O.P. No.2	:	Mr. Shashank Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 18-09-2023 Heard learned counsel for the petitioner and learned A.P.P.

for the State assisted by learned counsel for the opposite party

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 the N.I. Act.

3. The petitioner and opposite party no.2 were in visiting

terms and friends. Petitioner is said to have taken Rs.5,50,000/-

from the opposite party no.2 for three months. On the demand

made by the opposite party no.2, the petitioner issued cheques

for Rs.5.1 lacs which got dishonoured.

4. It is submitted by learned counsel for the petitioner that



no such occurrence as alleged ever took place. He has been falsely implicated in this case due to oblique reason. It is further submitted that due to Covid pandemic the economic condition of the petitioner become miserable that is why at the time of providing cheque he had clearly said to the opposite party no.2 to wait for few days as he had no liquid money but the opposite party no.2 instantly deposited the cheque and lodged a complaint against the petitioner in order to pressurize him. It is further submitted that the opposite party no.2 has filed two complaint cases against the petitioner for the same alleged offence. It is further submitted that if some time may be granted to the petitioner, he will pay the opposite party no.2. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned counsel for the opposite party no.2 has no objection in granting the anticipatory bail to the petitioner if the payment is made to him.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released **provisionally** for a period of nine months, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees



Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with C.R. Case No. 404 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. The learned Court below is directed to confirm the provisional bail of the petitioner after nine months after satisfying that petitioner has made payment of Rs.5,50,000/- to the opposite party no.2.

(Anjani Kumar Sharan, J)

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