

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11963 of 2023

Arising Out of PS. Case No.-7813 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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SUNIL KUMAR SINGH @ SUNIL KUMAR Son of Late Baijnath Prasad
R/o Mohalla Near Old Shiv Mandir Mahatma Gandhi Nagar, Kanti Factory
Road, Rajeev Nagar Gali House No. 31 (A) P.S.- Patrakar Nagar District-
Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. USHA DEVI Wife of Late Arun Kumar Singh R/o Khemnichak West
Subhash Nagar Road No. 1, P.S.- Ram Krishna Nagar, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 22-06-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State alongwith learned counsel for the

complainant.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406,
504/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
informant alleges that wife of the petitioner had taken friendly
loan from the informant of Rs. 3,00,000/- further petitioner had
issued a cheque of Rs. 50,000/- and his wife of Rs 60,000/- and
70,000/- but the cheque of Rs. 50,000/- on presentation bounced



the learned counsel submits that petitioner has been falsely implicated in the present case, it is next submitted that the wife of the petitioner died on 26.04.2021 and the cheques issued by her are of the month of August 2021, which casts an aspersion that as to how the cheque was issued by a person who was no more.

The learned counsel for the petitioner next submits that no offence under Section 420 and other Section of the IPC are made out. It is further submitted that the present case has been instituted only to coerce the petitioner into submission for realizing Rs. 50,000/- which the petitioner disputes as he never issued the cheque in question. It is further submitted that even cognizance has not been taken under Section 138 of the N.I. Act.

Learned A.P.P. for the State as well as learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that cognizance under section 138 of the N.I. Act has not been taken.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 7813(C) of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Adnan/-

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