

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43605 of 2023

Arising Out of PS. Case No.-581 Year-2022 Thana- KANTI District- Muzaffarpur

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MANI SHEKHAR S/O SHIVJEE TIWARI R/O Village-C 195, Anishabad
Police Colony, Phulwari, P.S- Shekhpura, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ayush Kumar

For the Opposite Party/s : Mr. Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406 and
420 of the Indian Penal Code and Section 138 of the N.I. Act.

3. The informant alleges that the petitioner being his
friend, requested for a loan of Rs. 10 lacs for treatment of his
father, accordingly, the amount was transferred in the account of
the wife of the petitioner in between 30.12.2021 to 19.01.2022,
it is next alleged that the petitioner had assured that the amount
would be returned within three months, accordingly, when the
informant demanded his money back, the petitioner issued a
cheque of Rs. 10 lacs which on presentation for encashment
bounced.



4. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations as alleged in the FIR, it would manifest that it is a case of bouncing of cheque but then no complaint case was filed, rather, an FIR came to be instituted which in terms of the N.I. Act is not maintainable, it is next submitted that the present FIR has been instituted only with a view to coerce the petitioner into submission so that he parts with the money under fear of arrest. Learned counsel next submits that, prima facie, no offence under Section 406 and 420 is made out.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. 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. 10,000/- (Rupees Ten 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 Kanti P.S. Case
No. 581 of 2022 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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