

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70353 of 2022

Arising Out of PS. Case No.-597 Year-2021 Thana- KADAMKUAN District- Patna

SANJAY AGRAWAL S/O LATE RAJ KUMAR AGRAWAL Resident of A-6/503, Nandanvan-2, P.O- Vesu, P.S. - Umra, District - Surat, Gujarat-395007.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupam Prabhat Shrivastava, Advocate
For the Opposite Party/s : Ms. Dr. Indihar Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420 and 120(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner has antecedent of two cases. It is further submitted that one case has been instituted by the relative of the present informant and other case by a friend of the informant.

The informant alleges that Balmukund Khetan had taken a loan of Rs.7 lakhs from the informant with an assurance that the same would be returned within one year but when the same was not returned, it is alleged that Balmukund Khetan issued cheque of Rs.4 lakhs but the same on presentation for



encashment bounced thereafter the present FIR came to be instituted.

Learned counsel for the petitioner submits that the dispute is purely civil in nature. It is not the case of the informant that petitioner has taken loan but the petitioner has been implicated merely because he is father-in-law of Balmukund Khetan. It is further submitted that it is settled principles of law that FIR is not maintainable in a case relating to Negotiable Instrument Act. It is next submitted that even the cheque was not issued by the petitioner. It is thus submitted that the present FIR came to be instituted only with a view to coerce Balmukund Khetan into submission by implicating his father-in-law so that he may part with the money when Balmukund Khetan disputes taking any loan from the informant or issuing cheque.

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

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 Court below 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 court below where the case is pending/successor court in connection with Kadamkuan P.S. Case No. 597 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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