

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69061 of 2022

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

BALMUKUND KHETAN S/O Late Om Prakash Khetan R/O - Ashok Rajpath, Behind Bank of Baroda, Mirchai Gali, Chowk, Nagla, Patna-800008, presently residing at - Flat No 305, Sai Samarth Residency, 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 : Mr. Binod Kumar, 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 the notices were issued upon the informant by order dated 21.04.2023 and the same was filed in time. It is further submitted that the service report till date has not come.

In the nature of allegation as alleged in the FIR, the Court deems fit to decide the case on merit.

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 petitioner took loan of Rs.7 lakhs and promised to return the same within one year. It is further alleged that when the amount was not returned it is alleged that the petitioner issued cheque of Rs.4 lakhs but the same on presentation bounced, accordingly, the present FIR came to be instituted.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the dispute is purely civil in nature. It is further submitted that an FIR is not maintainable in a case relating to Negotiable Instrument Act of bouncing of cheque. Learned counsel thus submits that if the informant was aggrieved by the conduct of the petitioner he had remedy available in law in accordance with law but instead of availing the remedy the informant chose to institute the FIR only for the purpose of coercing the petitioner into submission for parting with the money when the petitioner is disputing that he had taken any loan or had issued the 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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