

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.72649 of 2022**

Arising Out of PS. Case No.-158 Year-2020 Thana- PATNA COMPLAINT  
CASE District- Patna

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ANAND SHANKAR TIWARY S/O LATE SITA RAM TIWARY Resident of  
Shyam Apartment Mahuabag, Police Colony Jagdo Patha, P.S.- Rupaspur,  
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. SAIL DEVI W/O LATE KALINANATH TIWARY Resident of village- Lilli,  
P.S.- Bhabua, District- Kaimur.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Anjum Perveen  
For the Opposite Party/s : Mr.Rina Sinha

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
ORAL ORDER

5      18-10-2023                      Heard Mrs. Anjum Perveen, learned counsel for the  
  
petitioner and Mrs. Rina Sinha, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection  
with Complain Case No. 158(C) of 2020 registered for the offence  
under Sections 406, 420, 379, and 504 of the Indian Penal Code  
and Section 138 of the Negotiable Instrument Act.

It appears from the order dated 18.05.2023 the matter  
was referred to the Mediation on the request of parties, who are  
brother and sister, but the mediation could not be succeeded  
between the parties as it appears from the report of learned  
Mediator, which is at flag 'A'.

Learned counsel appearing for the petitioner submits



that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that the complainant happens to be sister of the petitioner. He further submits that as a matter of fact, the first cheque was given by the petitioner to the complainant on 15.12.2018 to the tune of Rs. 53,97,400/- as against security but the complainant has never deposited in the bank for its encashment and second cheque was given by the petitioner on 15.12.2019 for the same amount which was reported to be dishonored. He further submits that the complainant has misused the cheque of the petitioner with bad intention and after dishonour of the cheque in question, she has filed the present case after some delay without complying the mandatory provision of N.I. Act.

Learned counsel for the complainant on the other hand vehemently opposed the prayer for bail of the petitioner and submits that it is admitted fact that the complainant firstly transferred Rs. 32,00000/- and thereafter Rs. 17,00000/- to the account of Dream City Company with request to manage construction of her house and the petitioner being the younger brother of the complainant has assured that he will carry out the construction work of her house but petitioner failed to carry out the construction work in the house of the complainant and on



request of complainant to return her amount, he issued cheque in question which has been dishonored. The petitioner has cheated his own sister and deceived her by misappropriating her money.

Considering the facts and circumstances of the case, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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