

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4958 of 2023

Arising Out of PS. Case No.-164 Year-2021 Thana- NAWADAH COMPLAINT CASE
District- Nawada

Abhyudeshwar Kumar S/O Late Ram Swarath Prasad R/O Rajgir, P.O And
P.S- Rajgir, District- Nalanda

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Nagadeo Choubey, Advocate
For the State	:	Ms/Mrs. Nirmala Kumari, Addl Public Prosecutor
for the complainant	:	Mr. Satyabir Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioner, the State and
the complainant.

Petitioner apprehends arrest in registered for the
offences punishable under Sections 420, 467, 468 of the Indian
Penal Code and section 138 of the NI Act.

It is alleged that the cheque issued by the petitioner in
favour of the complainant was returned by the bank concerned
due to insufficient funds in the petitioner's bank account.

Learned counsel for the petitioner submits that the
petitioner never executed any registered partnership document
with the complainant. The complainant somehow managed to
illegally procure blank cheque in the name of the petitioner and
petitioner had personally no existing debit or liability towards
the complainant and the present case has been filed only to



pressurize the petitioner and his family members to extort undue amount from them. It is also the case of the petitioner that after filing of the complaint, petitioner as well as his brothers and mother entered into the family arrangement and accordingly the land in question falls in the share of one of the brothers of the petitioner, namely, Aruneshwar Kumar and consequently he informed the complainant about the said development and offered the complainant that he is ready to take the entire responsibility with regard to the land in question and after negotiation the complainant also became agreeable for the same. Learned counsel further submits that in view of terms and conditions orally settled between the complainant and brother of the petitioner, he handed over three post dated cheque amounting to Rs.1,98,75,198/- and was agreed between them that first of all the complainant should withdraw the complaint case filed against the petitioner and then to present the cheques given by Aruneshwar Kumar but the complainant out of greed accepted the cheque of the entire amount from Aruneshwar Kumar and on the other hand continuing the complaint case for illegally extorting money from the petitioner.

It is submitted on behalf of the State and the complainant that petitioner has been declared absconder and



processes of sections 82 and 83 have been completed against him to ensure appearance in the Court, and as such, this pre-arrest bail petition is not maintainable.

Considering the aforesaid development, petition for pre-arrest bail of the petitioner is dismissed as not maintainable.

(Prabhat Kumar Singh, J)

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