

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6343 of 2024**

Arising Out of PS. Case No.-1091 Year-2021 Thana- GAYA COMPLAINT CASE District-  
Gaya

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Md. Arshad @ Lalee S/O Late Mohammad Abdul Quayum R/o Mohalla-  
Gewal Bigha, Near Muslim Hotel, Lali Chicken Centre, Ps. Rampur, Distt.  
Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Om Prakash S/O Late Munna Prasad R/Mohalla- Tilha Dharamsala East Gate, Ps. Civil Line, Dist. Gaya.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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

8      14-08-2024                      Heard Mr. Vijay Kumar, learned counsel for the  
  
petitioner and Mr. Pramod Kumar Pandey, learned Additional  
  
Public Prosecutor for the State.

2. Vide order dated 20.02.2024 notice was issued to the opposite party No.2 by both processes but the service report reveals that the original notice has been received by the family members of the opposite party No.2 and the petitioner has filed the supplementary affidavit. In view of the supplementary affidavit, the notice deemed to be validly served upon opposite party No.2.

3. The petitioner is apprehending his arrest in connection with Complaint Case No.1091 of 2021, registered



for the offences punishable under Sections 323,341,420,419,467,468 of IPC and Section 138 of N.I.Act.

4. Prosecution case, in brief as per complaint is that he had given loan to several persons including this petitioner and it is further stated that in lieu of the said loan, cheque were issued by the loanee which were subsequently dishonoured due to insufficient fund. It is further alleged that this petitioner had taken Rs.10,50,000/- by way of personal loan to meet out his business needs with a promise to return the same within six months but this petitioner allegedly evaded and at last a pleader's notice dated 30.09.2021 was served by the complainant to this petitioner and the reply thereof was made by him on 12.10.2021.

5. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from a bare perusal of the complaint petition it appears that the date of occurrence as alleged in the complaint petition is 24.10.2018 but the present complaint petition has been filed on 01.11.2022 after delay of four years. Further submits that the petitioner has never taken loan from the opposite party No.2 as alleged in the complaint petition. Further submits that the petitioner and



complainant both were carrying a business of poultry farm and in course of business the petitioner had given some blank cheque to the complainant for some other purpose but the complainant had misused the same and filed the present complaint petition against the petitioner.

6. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts, the petitioner has clean antecedent, the date of occurrence as alleged in the complaint petition is 24.10.2018 but the present complaint petition has been filed on 01.11.2022 after delay of four years, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1<sup>st</sup> Class, Gaya in connection with Complaint Case No.1091 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

Nitesh/-

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