

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14031 of 2024**

Arising Out of PS. Case No.-2118 Year-2022 Thana- EAST CHAMPARAN COMPLAINT  
District- East Champaran

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Sanjeev Kumar Rai @ Sanjiv Kumar Rai @ Sanjeev Rai @ Sanjiv Rai @  
Golu Rai @ Sanjeev K. Rai Son of Umeshwar Rai @ Umesh Rai Resident of  
Village- Yadav Chappar, P.S.- Kumar Bag, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar patna
2. Shivam Kumar Son of Bhushan Kumar Singh Resident of Village-  
Bhawanipur Chaudhary Tola, P.S.- Sangrampur, Dist.- East Champaran

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Aayush Abhishek, Advocate  
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      01-05-2024                      Heard learned counsel for the petitioner and the  
  
State.

2. Petitioner apprehends arrest in a case registered for  
the offence punishable under sections 406, 420, 504 and 506 of  
the indian penal Code .

3. As per the prosecution case, this petitioner  
requested the complainant to give Rs. 3,00,000/- and promised  
to return the same within six months. After a lapse of six  
months, the complainant asked the petitioner to return the



aforementioned amount, which was transferred to him by the complainant through the bank on different dates, but the petitioner denied returning the amount and also threatened to kill the complainant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. As a matter of fact, the complainant had taken Rs. 4,00,000 from the petitioner as a loan in the presence of one Sumit Kumar (the brother of the complainant) and promised to return the same within six months. The said Sumit Kumar offered to be a guarantor, and by way of security, he issued a check No 272997 for Rs 4,00,000 withdrawn from IDBI bank Lohiya Niwas Raza Bazar Court Road, Motihari. It is further submitted that for satisfaction of the loan amount, the complainant transferred Rs. 3,00,000 on different dates. As such, no case under Sections 406, 420, 504, and 506 is made against this petitioner.

5. Learned counsel for the State opposes the prayer for bail and submits that the petitioner has admitted the transaction of Rs. 3,00,000/- in his account by the complainant and also this petitioner refused to return the alleged amount.

6. Considering the nature of accusation and also the



fact that there was a transaction of Rs. 3,00,000/- in the account of this petitioner but later on he refused to return the same , prayer for pre-arrest bail of the petitioner is rejected.

**(Prabhat Kumar Singh, J)**

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