

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12472 of 2024

Arising Out of PS. Case No.-1616 Year-2023 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Sanjay Kumar Rai Son of Sri Amrendra Kumar Rai Resident of village
-Durga Nagar, Near Bus Stand Bettiah, P.S.- Bettiah Nagar, District- West
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vikash Kumar Tiwary Son of Anirudh Tiwary Resident of Village- Gonahi,
District- West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Prasad Singh
For the Opposite Party/s	:	Mr. Ashok Kumar Singh
For the O.P. No. 2	:	Mr. Sanjeev Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-03-2024 1. Heard learned counsel for the petitioner and

learned A.P.P. for the State along with learned counsel for the

O.P. No. 2.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Section 138 of the

N.I. Act.

3. Learned counsel for the petitioner submits that

petitioner has been falsely implicated in the instant case by the

complainant. It is next submitted that from perusal of the

allegation as alleged in the complaint petition, it would manifest

that the complainant being a lawyer alleges that petitioner came



to his residence and asked for a loan of Rs. 10 lakhs on which the complainant, without any agreement in writing, gave the said amount to the petitioner as the petitioner had undertaken to repay the said loan amount after a period of 2 years. It is next submitted that it absolutely does not stand to reason that any person would give such a huge amount by way of loan without any agreement and that too a lawyer. It is next submitted that the complainant alleges that the petitioner had issued a cheque of Dena Bank in discharge of the liability of the loan amount which on presentation for encashment bounced, it is also alleged that the said cheque of Dena Bank had lost its force for the reason that the bank in question had already merged with Bank of Baroda. The learned counsel, thus, submits that it appears that petitioner managed to get hold of the cheque in question somehow and presented the same for encashment knowing it fully well that the cheque would bounce, as the bank in question had already merged with Bank of Baroda. It is further submitted that even presuming what has been alleged is true without admitting then in the trial it will be proved whether the complainant had given an amount of Rs. 10 lakhs to the petitioner and the cheque issued by the petitioner was in lieu of the consideration.



4. Learned A.P.P. for the State along with learned counsel for the O.P. No. 2 opposes the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submissions of the learned counsel for the petitioner that there is no agreement in between the petitioner and the complainant with regard to giving Rs. 10 lakhs by way of loan by the complainant to the petitioner.

5. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 1616 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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