

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18734 of 2024**

Arising Out of PS. Case No.-354 Year-2022 Thana- PATNA COMPLAINT CASE District-  
Patna

Shailesh Kumar @ Shailesh Singh Son Of Late Devendra Singh Resident Of  
Village - Masaurha, P.S. - Paliganj, District - Patna, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Nilu Kumari Wife Of Arvind Singh Resident Of Village - Dhorbi Bigha, P.S.  
- Mauram, P.O. - Khabhaini, District - Arwal, Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Prashant Kumar, Adv.  
For the Opposite Party/s : Mr.Parmanand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

2      08-04-2024                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Complaint Case No. 354(C)/2022 dated 29.03.2022 wherein cognizance of the offence was taken by the learned Judicial Magistrate-I, Danapur on 19.01.2023 under Section 406, 420 and 504 of the Indian Penal Code.

3. As per the prosecution case, the Complainant gave Rs. 11,00,000/- to the petitioner on 28.01.2022. On the same day, the petitioner gave her two cheques and a signed on non-judicial stamp paper of Rs. 100 mentioning about the giving of two cheques for returning of her money. On 21.02.2022, the Complainant deposited both the cheques for withdrawal of her aforesaid amount but the same were bounced due to insufficient



fund of the petitioner. When the Complainant informed this to the petitioner then the petitioner abused and threatened not to return her money. Further, the petitioner did not reply on legal notice.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Learned counsel has further submitted that the petitioner had taken friendly loan of Rs. 1,70,000/- from the Complainant's brother Kaushlendra Kumar for his son's education in lieu of which the petitioner had issued certain blank cheques and even signed on two blank stamp papers. From perusal of the stamp paper, it is evident that the petitioner had handed over a pre-signed stamp paper to the Complainant's brother which was misused by him by making subsequent notations to suit with his ulterior motive. It is further submitted that the petitioner had duly replied to the legal notice sent by the Complainant which is annexed as Annexure-P/6 with the bail petition. The dispute between the parties is purely civil in nature. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. The cognizance under Section 138 of the N.I. Act was not taken.



5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Danapur, Patna in connection with Complaint Case No. 354(C)/2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition :-

*(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.*

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

Gautam/-

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