

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43442 of 2023

Arising Out of PS. Case No.-745 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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ASHOK KUMAR S/O RAM VILASH PRASAD R/O Chiraiyatand, Devi
Stahn, P.S- Kankarbagh, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Usha Devi W/o Late Subhash Ranjan R/O Mohalla- Nala Road, Amrudi
Gali, Near Petrol Pump, P.O- Bankipur, P.S - Kadam Kuan, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 06-03-2024 **1.** Heard learned counsel for the petitioner, learned
A.P.P. for the State along with learned counsel for the OP No. 2.
- 2.** The petitioner apprehends his arrest in connection
with Complaint Case No. 745(c) of 2019 registered for the
offences punishable under Section 406 of the Indian Penal Code
and Section 138 of the NI Act.
- 3.** In the nature of allegation as alleged in the FIR, the
court is not inclined to entertain the anticipatory bail application
of the petitioner as it has been submitted by learned counsel
appearing on behalf of the OP No. 2 that her husband had given
an amount of Rs. 10 lakhs to the petitioner for some business
purpose and the same was returned by the petitioner by cheque,



but when the cheque was presented for encashment, the same bounced. It is further submitted that even the husband of the OP No. 2 died after filing of the complaint case. It is next submitted that it is a case of breach of trust.

4. The learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that there is no chit of paper to even demonstrate that an amount of Rs. 10 lakh was given by the husband of the OP No. 2, but the said submission is countered by the learned counsel appearing on behalf of the OP No. 2 that the issuance of cheque in favour of the husband of the OP No. 2, itself demonstrates that the loan was given, which was returned by cheque.

5. Considering the submission made by the learned counsel appearing on behalf of the OP No. 2, the court is not inclined to extend the privilege of anticipatory bail to the petitioner and the anticipatory bail application of the petitioner is rejected.

(Satyavrat Verma, J)

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