

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45442 of 2024

Arising Out of PS. Case No.-566 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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Yaswant Kumar, Son of Sri Surendra Kumar Sinha R/O Mohalla- Lakshmi
Niwas Chhoti Line, P.S.- Fatuha, Dist.- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Basudev Prasad, Son of Late Kishun Prasad R/O Mohalla- Chhoti line P.S.-
Fatuha, Dist.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal- Sr. Advocate
		Mr. Arvind Kumar
		Mr. Kumar Rajdeep
For the Opposite Party/s :		Mr. Uma Shankar Prasad Singh- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-09-2024 1. Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Sections 406 and 420 of the Indian Penal Code.

3. The learned counsel for the petitioner submits

that the petitioner has antecedent of one case. It is next

submitted that complainant alleges that petitioner was

known to the family and hence, her son on request of

petitioner gave Rs.3 Lacs by way of loan for 2-3 months.



Further, on demand, petitioner issued a cheque of Rs.3 Lacs, which on presentation for encashment bounced as payment was stopped, but assured that money will be returned in February, 2015. Further, when her son went to ask for the money, he was shot by the petitioner on 14.02.2015 and thus, was brought to the hospital for treatment for which Fatuha P. S. Case No.74 of 2015 was instituted, but her son died subsequently but money was not returned. Hence, the instant complaint case was filed.

4. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that instant complaint case has been instituted by the complainant with an allegation that the money, which her son had given to the petitioner, was not returned and her son was shot by the petitioner for which another case, as recorded herein above, was instituted. It is further submitted that petitioner has been falsely implicated in the instant case by the complainant. It is also submitted that the cheque bounced not on account of insufficient fund in the account, but the petitioner on coming to know that he



had lost the cheque in question, as such, had stopped the payment and later came to know that her son was trying to misuse the same. It is also submitted that even presuming what has been alleged is true without admitting, then the dispute is civil in nature for which a criminal case has been instituted. It is next submitted that complainant instituted the instant criminal complaint in order to coerce the petitioner into submission, so that he accedes with the fanciful demand of the complainant. It is also submitted that petitioner was falsely implicated in Fatuha P. S. Case No.74 of 2015, in which police submitted final form exonerating the petitioner of the allegation. It is also submitted that petitioner was completely unaware about the institution of the instant complaint case and he came to know about the case only when non-bailable warrant of arrest was issued.

5. Learned A.P.P. opposes the anticipatory bail application.

6. 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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned JMFC, Patna City, Patna in connection with Complaint Case No.566 of 2015, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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