

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51617 of 2023

Arising Out of PS. Case No.-1109 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Satish Kumar Son Of Jai Krishna Sha Resident Of Mohalla- Kashippur, Ward
No. 7, Ps- Samastipur, Dist- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dinesh Kumar Son Of Ram Lagan Thakur Resident Of Mohalla- Bangali
Tola, Ward No. 25, Ps- Samastipur, Dist- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 28-02-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420,
467 and 468 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
notice on behalf of OP No. 2 was received by the brother of the
complainant for which an application of jointness has been filed,
as such the notice is deemed to have been validly served.

4. Learned counsel for the petitioner submits that OP
No. 2, despite receiving notice, chooses not to appear and
contest. It is further submitted that the petitioner has been



falsely implicated in the present case. It is next submitted that the complainant alleges that he had taken a loan of Rs. 20,000/- from the petitioner for which he handed him over a blank cheque by way of security, but after he returned the loan amount and asked the petitioner to return his cheque when the petitioner refused, as he was demanding Rs. 5,000/- by way of interest. The learned counsel submits that the complainant had issued a cheque of Rs. 1,00,000/- (one lakh) which on presentation for encashment bounced and accordingly, the petitioner filed Complaint Case No. 824 of 2019 which is pending adjudication. It is next submitted that since petitioner filed Complaint Case No. 824 of 2019 in the court of learned CJM, Samastipur under Section 420 of the IPC read with Section 138 of the NI Act, as such, the present false complaint case came to be instituted and this perhaps explains why the OP No. 2, despite receiving notice, chooses not to contest.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 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 court below where the
case is pending/successor court in connection with Compliant
Case No. 1109 of 2019, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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