

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57012 of 2023

Arising Out of PS. Case No.-384 Year-2022 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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1. Shyam Sundar Thakur @ Shyam Thakur S/O Shankar Thakur R/O Village-Bhusahi, P.O.- Beladam, Ps. Baligaon, Dist. Vaishali
 2. Sindhu Devi W/O Shyam Sundar Thakur @ Shyam Thakur R/O Village-Bhusahi, P.O.- Beladam, Ps. Baligaon, Dist. Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi W/O Late Ram Lalit Sah R/O Village- Ladaho, P.O.- Beladam, Ps. Baligaon, Dist. Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha
For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 12-03-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned counsel for the OP No. 2.

 2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 420 of the Indian Penal Code.

 3. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case by the complainant. It is next submitted that the complainant is trying to take advantage of her widowhood. It is also submitted that the husband of the complainant was working as a middleman for a bank and used to provide loans for purchasing agricultural equipment, including tractors. It is next submitted



that the petitioner also intended to purchase a tractor for which he had given blank cheque to the husband of the complainant, but then the loan was not provided by the bank and in the meanwhile, the husband of the complainant died. It is next submitted that from perusal of the allegation as alleged in the complaint petition, it would manifest that the complainant alleges that her husband had given an amount of Rs. 7,50,000/- and odd to the petitioners in name of marriage of their daughter. It is further submitted that the petitioners had assured the husband of the complainant that they will return the money back to him when required, but the husband of the complainant made all efforts to get his money back but the money was not returned by the petitioners and in the meanwhile, he died. It is thus submitted that if what has been alleged in the complaint petition is true, in that event, the case does not inspire confidence for the reason that if petitioners did not return the amount to the husband of the complainant, why they would have issued any cheque in favor of the complainant, when her husband was no more. It is thus submitted that the complainant utilized the cheques which the petitioners had given to the husband of the complainant in lieu of the loan which they intended to take from the bank. It is further submitted that even the learned trial court



did not take cognizance of offence under Section 138 of the NI Act, which further demolishes the case of the complainant.

4. The learned APP along with the learned counsel for the complainant opposes the anticipatory bail application but are not in a position to rebut the submission of the learned counsel for the petitioners that cognizance has not been taken under Section 138 of the NI Act and the petitioners are denying that they had issued any cheque in favor of the OP No. 2.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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) each 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. 384 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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