

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53434 of 2024**

Arising Out of PS. Case No.-3166 Year-2019 Thana- VAISALI COMPLAINT CASE  
District- Vaishali

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Ram Naresh Kumar S/o Bhagwat Rai R/o vill - Lodhipur, P.S. - Nagar  
Hajipur, Distt - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Urmila Suman W/o Late Umesh Prasad Suman R/o vill - Malpur Singhara,  
P.S. - Mahua, Distt. - Vaishali

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anuj Kumar  
For the Opposite Party/s : Ms. Sucheta Yadav

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      14-08-2024                      1. Heard learned counsel for the petitioner and learned  
A.P.P. for the State along with learned counsel appearing on  
behalf of the complainant.

2. The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 420, 406  
of the Indian Penal Code & Section 138 of the N.I. Act.

3. Learned counsel for the petitioner submits that  
petitioner has antecedent of two cases and the complainant  
alleges that petitioner issued three cheques of Rs.5 lacs each  
which on presentation for encashment bounced. The learned  
counsel submits that petitioner has been falsely implicated in the  
instant case by the complainant for reasons to be submitted



hereinafter. It is further submitted that the complainant's son had sold land to Lalita Devi vide two sale deeds dated 17.05.2023, as pleaded in the anticipatory bail application. Further, the petitioner was a witness on the aforesaid sale deeds. It is next submitted that petitioner was acting as a mediator between the parties as they were having dispute relating to passage, as such, had given the cheques by way of security and not for any consideration. It is also submitted that from perusal of the complaint petition, it would manifest that the same even does not remotely alleges that the cheques were issued in lieu of some consideration. It is next submitted that in the nature of allegation, prima facie, no offence under section 406 and 420 of the Indian Penal Code is made out and the offence under section 138 of the N.I. Act is bailable. It is also submitted that the complainant has to prove her case in the trial and in the event if the petitioner is convicted, he will suffer the consequence but then no useful purpose would be served by sending the petitioner to jail in the nature of allegation as alleged in the complaint.

4. Learned A.P.P. for the State along with learned counsel appearing on behalf of the complainant opposes the prayer for anticipatory bail of the petitioner but are not in a



position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the complainant does not even remotely alleges that the cheques were issued for some consideration.

5. 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 trial court where the case is pending/successor court in connection with Complaint Case No.3166/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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