

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55385 of 2024

Arising Out of PS. Case No.-5052 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Nawal Kishore Singh SON OF LATE SHANKAR SINGH R/O VILLAGE-
SAIDPUR, PO AND PS- SARAI, DIST- VAISHALI

... .. Petitioner/s

Versus

1. The State of Bihar
2. SANDEEP KUMAR BUBNA SON OF LATE KRISHNA KUMAR
BUBNA R/O VILLAGE- DURGA VIHAR COMPLEX, M.D. STEEL, S.P.
VERMA ROAD, PS- GANDHI MAIDAN, DIST- PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Hussain Majeed, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 22-08-2024 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, 468 and 471 of the Indian Penal Code as well as Section
138 of the Negotiable Instruments Act.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.
4. The complainant alleges that he is distributor of
TMT and Cement etc. The petitioner and the complainant were
having business relationship and the petitioner used to purchase
TMT from the complainant. It is further alleged that petitioner
gave a cheque of Rs.10,52,924/- towards the dues he owed but



the cheque on presentation for encashment bounced.

5. Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the complaint petition, it would manifest that the dispute is purely civil to which a criminal colour has been given. It is further submitted that the complainant himself alleges that he was having business term with the petitioner. It is next submitted that it has been specifically asserted in the anticipatory bail application that petitioner does not owe any dues against the complainant, rather the cheque which was given to the complainant by way of security for business purposes has been misused. It is also submitted that even presuming what has been alleged is true without admitting then the offence under Section 138 of the N.I. Act is bailable and in the nature of allegation as alleged in the complaint prima facie no offence under Section 406 of the Indian Penal Code is made out. It is further submitted that if the complainant is able to prove his case in the trial, the petitioner will suffer the consequences but then the petitioner will also get a chance to rebut the allegation in the trial.

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

7. Considering the submissions made by the learned



counsel for the petitioner, let 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 Complaint Case No. 5052(C) of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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