

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59939 of 2023

Arising Out of PS. Case No.-3801 Year-2022 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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RAJU KUMAR JAISWAL @ RAJU KUMAR JAISHWAL S/O SRI
AWADHESH NARAYAN CHAUDHARY R/O VILLAGE- AURAU, PS.
AURAU, DIST. MUZAFFARPUR

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. NITISH KUMAR S/O ASHARPHI RAI R/O VILLAGE- BANWASPUR,
PS. AURAU, DIST. MUZAFFARPUR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar
For the Opposite Party/s : Mr.Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-02-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Muzaffarpur Complaint Case No. 3801 of 2022 dated
30.09.2022 registered under Sections 406, 420, 120(B) of the
I.P.C. and Section 138 of the N.I. Act.

3. As per the complaint, the petitioner borrowed Rs. 15 lakh
from the complainant and when the complainant demanded the
amount back, the petitioner gave a cheque of Rs. 15 lakh
bearing cheque no. 000011. On presentation the cheque got
dishonoured due to “stop payment”. On 20.07.2022 the
petitioner again gave a cheque of Rs. 15 lakh but due to
instruction given to the Bank by the petitioner regarding “stop
payment”, the cheque could not be encashed. Learned



Magistrate has taken cognizance under Sections 406, 420 of I.P.C. but cognizance has not been taken under Section 138 N.I. Act.

4. Learned counsel for the petitioner submits that there was long standing money transaction between the complainant and the petitioner and the complainant has filed the complaint giving colour of criminal dispute in civil matter. He further submits that from perusal of the statement of account of the petitioner at Annexure-2, it would be evident that all the amount taken as loan by the petitioner has been returned to the complainant.

5. On the other hand, learned counsel for the complainant submits that the petitioner with intention to cheat has not returned the loan amount to the complainant and the cheques which were issued by the petitioner to the complainant got dishonoured due to instruction of “stop payment” given to the Bank by the petitioner.

6. Regard being had to the submission made by the parties, taking into consideration the nature of dispute and the fact that there was long standing money transaction between the parties, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the



court below within a period of four weeks from today on
furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with
two sureties of the like amount each to the satisfaction of J.M.
1st Class (East), Muzaffarpur, Patna in connection with
Muzaffarpur Complaint Case No. 3801 of 2022 subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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