

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70556 of 2023

Arising Out of PS. Case No.-1855 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

-
1. Abhay Kumar S/O Binod Singh
 2. Binita Kumari @ Vinita Kumari W/O Abhay Kumar
Both R/O Village And Po- Angra, P.S- Anti, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Pravesh Yadav S/O Late Ram Dahin Yadav R/O Village- Fenagi, P.S-
Tekari, Distt.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 25-06-2024 1. Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 420 and 406 of the IPC and 138 of the N.I. Act in
connection with Complaint Case No.1855 of 2017

3. The learned counsel for the petitioners submit that
in pursuance of the notice issued by order dated 01.11.2023 the
notices were filed in time and from perusal of the office report,
it would manifest that the same records that service report of the
ordinary notice is awaited and the registered notice was



undelivered.

4. It is next submitted that in nature of allegation as alleged in the complaint case, it would manifest that the instant complaint case has been instituted with respect to money dispute. It is further submitted that the complainant alleges that accused no.1 demanded a loan of Rs.83,000/- being a friend which was given to him in presence of witnesses at his residence and he promised to repay the same within six months, but then the amount was not refunded, thereafter the petitioner gave a cheque of Rs.53,000/- which on presentation for encashment bounced and rest Rs.30,000/- has not been returned.

5. It is next submitted that after legal notice was sent the instant complaint case was instituted and the learned Magistrate was pleased to take cognizance for offence under Section 420 and 406 of the IPC read with Section 138 of the NI Act. It is further submitted that petitioner is contesting the case before the learned trial court and assures that he will not abscond rather will cooperate in the trial.

6. The learned APP opposes the anticipatory bail application.

7. 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 Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.25,000 /- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Complaint Case No.1855 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. However, in the event if the learned trial court comes to a conclusion that petitioner after obtaining anticipatory bail is trying to delay the trial in any manner, in that event the learned trial court shall forthwith cancel the bail bonds of the petitioners.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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