

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6474 of 2025

Arising Out of PS. Case No.-168 Year-2023 Thana- COMPLAINT CASE - BIKRAMGANJ
District- Rohtas

=====

Shiv Shankar Singh S/o Late Suryabansh Singh Resident of Village and PO-
Dharupur, P.S.- Bikramganj, Distt.- Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sanjay Singh S/o Late Uma Singh Resident of Village and PO- Dharupur,
P.S.- Bikramganj, Distt.- Rohtas at Sasaram, complainant

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Shankar Dayal Singh, Advocate
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey, APP
For O.P. No.2	:	Mr. Rahul Kumar Mishra, Advocate
		Mr. Rama Nand Poddar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-05-2025 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

2. The petitioner who apprehends arrest in connection
with Complaint Case No. 168 of 2023 filed on 27.02.2023, for
the offences punishable under sections 406, 420, 467, 468, 323
and 504 of the Indian Penal Code.

3. As per the prosecution, the petitioner is alleged to
have taken a sum of ₹28,00,000/- (Rupees Twenty-Eight Lakh
Only) from the complainant and failed to return the same,
despite having issued four cheques of ₹7,00,000/- (Rupees
Seven Lakh Only) each. All the said cheques were dishonored



upon presentation due to insufficiency of funds.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It is contended that the petitioner is, in fact, a victim in this case. The petitioner and the informant are residents of the same village and are well acquainted with each other. The dispute, according to learned counsel, has arisen out of certain monetary transactions between the parties. It is further submitted that the petitioner has instituted a complaint case against the informant in which cognizance has already been taken. Learned counsel concedes that the petitioner had taken ₹10,00,000/- (Rupees Ten Lakh Only) only from the complainant, which has also been admitted in the solemn affirmation of the complaint filed by him. The petitioner is willing to return the said amount, but in installments. It is also submitted that the petitioner has a clean antecedent.

5. Learned counsel for the complainant vehemently opposes the prayer for bail and submits that all the cheques issued by the petitioner were dishonoured due to insufficiency of funds. Legal notices were issued under the provisions of the Negotiable Instruments Act, 1881, and only thereafter the present complaint case was filed. He further submits that the



trial court, upon due consideration, has taken cognizance of the offences under Sections 406 and 420 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

6. Learned APP for the State also opposes the prayer for bail.

7. Having heard the parties and considering the facts and circumstances of the case, particularly that both parties have filed criminal cases against each other and cognizance has been taken in both, this Court notes that the petitioner has admitted in his complaint to having received ₹10,00,000/- (Rupees Ten Lakh Only) from the complainant. In view of the above, this Court directs the petitioner to make an initial payment of ₹4,00,000/- (Rupees Four Lakh Only) to the complainant within a period of eight weeks from today.

8. In the facts and circumstances of the case, let the petitioner above named be released on provisional bail, in the event of his arrest or surrender before the trial court within the aforesaid period of eight weeks, on furnishing a bail bond of ₹30,000/- (Rupees Thirty Thousand Only) in terms of Section 2(1)(d) of the Bharatiya Nagrik Suraksha Sanhita, 2023, to the satisfaction of the learned ACJM, Bikramganj, Rohtas, in connection with Complaint Case No. 168 of 2023, subject to the



conditions laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, and upon producing substantial proof of payment of ₹4,00,000/- to the complainant.

9. The petitioner shall pay the remaining amount of ₹6,00,000/- (Rupees Six Lakh Only) in three equal installments, commencing from the date of payment of the initial ₹4,00,000/-, within a period not exceeding six months. If the petitioner complies with the above payment schedule and pays the full ₹10,00,000/- to the complainant within six months, the provisional bail granted to him shall be confirmed by the trial court. However, in the event of default, the trial court shall cancel the provisional bail granted to the petitioner.

(Dr. Anshuman, J)

Ashwini/-

U		T	
---	--	---	--

