

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6921 of 2025

Arising Out of PS. Case No.-323 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Seema Murarka Son of Prakash Murarka Resident of Mohalla- Ghagha Gali PS- Khajekalan, Dist- Patna
 2. Sri Prakash Murarka son of Late Jagdish Murarka Resident of Mohalla- Ghagha Gali PS- Khajekalan, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Vyas Wife of Nitin Vyas village- Chandra Manson, 1st Floor Nai Sarak, ps- Chowk, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saurav Kumar- Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar- A.P.P. Mr. Aditya Nath Jha- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-07-2025 1. Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the Complainant.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 420, 352 and 504 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of two cases and petitioner no.2 is person with clean antecedent. It is next submitted that from perusal of the allegation as alleged in the complaint, it would manifest that the complainant alleges that there was a



business relation in between her and petitioner no.2, both of them were carrying business of Boutique. Further, the petitioners had taken some goods of Boutique on cash and in that regard, she issued a cheque of an amount Rs.4,50,000/- and another cheque of Rs.2,00,000/- which on presentation for encashment bounced for which a legal notice was given, but the same was not replied. Accordingly, the complainant along with her husband went to the house of the accused persons but the accused persons assaulted and snatched her gold ring.

4. The learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that no criminal offence is made out rather the dispute appears to be civil. It is also submitted that though complainant alleges that the cheques were issued and the same on presentation for encashment bounced, but then, submits that cognizance was not taken under Section 138 of the N. I. Act. It is also submitted that in the event, if what the complainant alleges is true, in that event, complainant has remedy of approaching the Civil Court by filing a money suit for recovering the amount which she alleges to have given to the petitioner no.2 in pursuance of a business relation.

5. Learned A.P.P. Sri Rabindra Kumar as well as



learned counsel appearing on behalf of the complainant are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that cognizance was not taken under Section 138 of N. I. Act and the complainant and petitioner no.2 were having business relation.

6. 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. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna City in connection with Complaint Case No.323 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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