

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7395 of 2025

Arising Out of PS. Case No.-2751 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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Manoj Kumar Rai S/O Arjun Ray Resident of village - Jaitpur Tole Beldari,
P.S- Daudpur, District - Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Brijesh Kumar Singh S/O Uttam Narayan Singh Resident of village - Shoh
ai Sahpur, P.S.- Baniapur, District - Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar Singh
For the Opposite Party/s	:	Mr. Arun Kumar
For the O.P. No. 2	:	Mr. Abhas Chandra

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-07-2025 1. Heard learned counsel for the petitioner, learned

A.P.P. for the State and the learned counsel appearing on behalf

of the O.P. No. 2.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Section 420 of the

Indian Penal Code.

3. Learned counsel for the petitioner submits that

petitioner is a person with clean antecedent and the complainant

alleges that he paid an amount of Rs. 6,50,000/- to the petitioner

by cash and cheque for purchasing his truck, but petitioner did

not execute the sale letter, rather issued cheque of Rs. 6,25,000/-

which on presentation for encashment bounced.



4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the complainant. It is next submitted that O.P. No. 2 alleges that out of Rs. 6,50,000/- he paid an amount of Rs. 5,25,000/- in cash, but then in the complaint, it has not been remotely suggested that in lieu of Rs. 5,25,000/- paid in cash any receipt was given. It is next submitted that even cognizance has been taken under Section 420 of the IPC, as such, the allegation that cheque was issued and the same was not encashed gets discredited.

5. The learned counsel appearing on behalf of the petitioner next submits that even presuming what has been alleged is true without admitting in that event the complainant instead of filing a criminal case, ought to have moved before a Court of competent civil jurisdiction for redressal of his grievance where petitioner also would have got an opportunity to rebut his contentions, but then instant criminal case has been instituted only to coerce the petitioner into submission.

6. Learned A.P.P. for the State and the learned counsel appearing on behalf of the O.P. No. 2 oppose the prayer for anticipatory bail of the petitioner, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that cognizance has not been taken under



Section 138 of NI Act and there is no receipt issued by the petitioner with respect to Rs. 5,50,000/- which the complainant alleges to have given in cash.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Complaint Case No. 2751 of 2022 subject to the conditions as laid down under Section 482 (2) of BNSS.

8. Accordingly, the instant anticipatory bail application is allowed.

(Satyavrat Verma, J)

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