

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.8885 of 2025

Arising Out of PS. Case No.-1976 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Abhay Shankar @ Abhay Shanker, (Male), aged about 58 years, son of Late Vishnu Choudhary, Resident Of Village- Hasanpur, Police Station- Patori, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rajesh Kumar Rai S/O Late Devendra Rai Resident Of Village- Hasanpur, P.s.- Patori, Dist.- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Complainant : Mr. Navnit Kumar, Advocate
For the State : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 12-05-2025 Heard Mr. Praveen Kumar, learned counsel appearing on behalf of the petitioner; Mr. Navnit Kumar, learned counsel for the complainant and Mr. Murli Dhar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Complainant Case (C.R. Case) No. 1976 of 2022, registered for the offence punishable under Sections 420 of the Indian Penal Code and Section 138 of the N.I. Act.

3. As per the allegation made in the FIR, the petitioner



had entered into an oral agreement with the complainant for sale of his land and received a sum of Rs. 18,28,000/- from the complainant and thereafter, refused to execute the sale deed in favour of the complainant.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Learned counsel further submitted that the cheque issued by the complainant on different dates total amounting to Rs. 18,28,000/- in favour of the petitioner, has not been credited into the bank account of the petitioner, nor the complainant is able to show that the said amount have been debited from his bank account. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the complainant along with the learned APP for the State have vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, in absence of any valid document showing evidence that the cheques issued by the complainant in favour of the petitioner on different dates amounting to Rs. 18,28,000/-, have been credited into the bank account of the



petitioner or the petitioner had used those cheques in name of some other persons. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The parties may negotiate their dispute amicably or they can avail remedy before the competent Civil Court for recovery of the amount.

8. The parties are directed to produce evidence before the learned District Court and if it is found that the aforesaid amount has not been credited into the bank account of the petitioner, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Samastipur, in connection with Complainant Case (C.R. Case) No. 1976 of 2022, subject to the condition as laid down under Section 482(2) of the BNSS, 2023.

9. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in



paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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