

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12858 of 2025

Arising Out of PS. Case No.-2190 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Rambhu Mahto Son of Badri Mahto village- Panditpur, Ps- Piprakothi, Dist-
East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Krishna Prasad son of Late Yogendra Prasad village- Chandmari Chowk, Ps-
Nagar Motihari, dist- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari
For the Opposite Party/s : Mr. Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-04-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 406 of the
Indian Penal Code read with Section 138 of the N.I. Act.

3. Learned counsel for the petitioner at the outset
submits that from bare perusal of the allegation as alleged in the
complaint, it would manifest that a purely civil dispute has been
given a criminal colour. It is next submitted that the complainant
alleges that he was known to the petitioner and the petitioner
sought a loan of Rs.12,50,000/- for getting a land registered on
which the complainant gave Rs.8, 60,000/- by way of cheque



and Rs.3,90,000/- in cash to the petitioner on 04.02.2021, in lieu whereof the petitioner issued three separate cheques of an amount of Rs.1,50,000/-, Rs. 5,00,000/- and Rs. 6,00,000/- respectively, which on presentation for encashment bounced. It is further submitted that the allegation itself would manifest that it is not a case of cheating nor criminal breach of trust. It is next submitted that if the cheque on presentation for encashment bounced in that event the petitioner will suffer the consequences of Section 138 of the N.I. Act in the event if the complainant is able to prove his case. It is also submitted that offence under section 138 N.I. Act is bailable and in the nature of allegation no offence under section 406 of the Indian Penal Code is made out against the petitioner.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. 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 Court below 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 Trial
No.1008/2022 (arising out of Complaint Case No.C-2190/2021,
subject to the conditions as laid down under Section 438 (2) of
the Cr.P.C.

(Satyavrat Verma, J)

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