

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12892 of 2025

Arising Out of PS. Case No.-77 Year-2024 Thana- KADAMKUAN District- Patna

Kamal Vijendra Son of Rajendra Singh (Proprietor M/S Ganpati Mobile Bank) Resident of Flat No.201/A, Raghavendra Lok Apartment, Devi Sthan Road, Punaichak Road, P.S. - Shastrinagar, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar Son of Late Keshav Prasad Gupta (Proprietor M/S M.K. Agencies), Address - Apsara Hotel Building, Kadamkuan, P.S. - Kadankuan, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-02-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. Learned counsel for the petitioner submits that petitioner had earlier moved this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 37151 of 2024 and the same was disposed of by an order dated 01.07.2024 in terms of order dated 13.02.204 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar). It is further submitted that petitioner had also relied on the judgment of this Court in the case of Hemant Kumar Das & Anr. Vs. The State of Bihar 2018 (4) PLJR 725 to submit that FIR is not maintainable with respect to an offence under Section 138 of the N.I. Act.
3. Learned counsel for the petitioner next submits that



the petitioner during the course of investigation was given the benefit of Section 41A of the Cr.P.C. and he cooperated in the investigation, but then police never felt the need of arresting the petitioner. It is next submitted that charge sheet has been submitted as such now no useful purpose would be served by sending the petitioner to jail when police during the course of investigation never felt the need of arresting the petitioner.

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

5. 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 Kadamkuan P.S. Case No. 77 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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