

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13149 of 2025

Arising Out of PS. Case No.-315 Year-2024 Thana- BANKA District- Banka

Abhishek Rajvansh S/o Sri Shailendra Kumar Singh R/o 3 Yamuna Ashram,
Village- Harinagar, PO and PS- Akbarnagar, Distt- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumar Pushpanjay S/o Sri Rajeev Kumar Singh R/o Naya Tola, Near
R.M.K. High School, P.S.- Banka, Distt.- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abinash Kumar, Advocate
For the State	:	Mr. Mithlesh Kumar Khare, APP
For the O.P. No.2	:	Mr. Dhananjay Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 30-06-2025 Heard Abinash Kumar, learned counsel for the

petitioner, Mr. Dhananjay Kumar Pandey, learned counsel for
the O.P. No.2 and Mithlesh Kumar Khare, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Banka P.S.Case No.315 of 2024, FIR dated
26.07.2024 registered for the offences punishable under
Sections 420 of the Indian Penal Code and Section 138 of
Negotiable Instrument Act.

3. As per the prosecution case, the petitioner had
taken Rs.25,00,000/- (Rupees Twenty Five Lakh) in the name to
restart the mill of the informant i.e. Radha Rani Mustard Oil



Mill, but mill has not been started yet.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and in fact, the O.P. No.2 has supposed to file a complaint petition instead of filing the present FIR. Apart from that, date of FIR is 26.07.2024 and the O.P. No.2 has only registered the case under Section 420 of IPC instead of Section 318(4) of the B.N.S., 2023. In fact, the O.P. No.2 is partner of the petitioner and they have executed registered partnership deed dated 18.05.2022 (Annexure-P/2). Allegation as alleged in the FIR is false and fabricated, in fact, petitioner has given cheque in question to the O.P. No.2 for purchase of mustard seeds, but the O.P. No.2 has presented the same in the Bank in question and the same was dishonored due to insufficient fund. In fact, O.P. No.2 is required pay Rs.10,00,000/- (Rupees Ten Lakh) as security amount prior to registration of partnership deed which was returnable when the O.P. No.2 exit from the partnership and the O.P. No.2 had already paid Rs.8,56,000/- (Rupees Eight Lakh Fifty Six Thousand) prior to the registration of partnership deed and the rest Rs.2,00,000/- (Rupees Two Lakh) has been paid after registration of partnership deed and the O.P. No.2 has paid Rs.56,000/- (Rupees Fifty Six Thousand) towards working



capital and promised to pay Rs.24,44,000/- (Rupees Twenty Four Lakh Forty Four Thousand) within a month but the O.P. No.2 had paid only Rs.16,66,000/- (Rupees Sixteen Lakh Sixty Six Thousand) from 10.06.2022 to 07.03.2024 in favour of the petitioner and the petitioner has issued the cheque in question for purchase of mustard seeds, but the O.P. No.2 has presented the same to the Bank and the same was dishonored.

5. Learned A.P.P. for the State as well as learned counsel for the O.P. No.2, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and fairly submitted that the O.P. No.2 is required to file a complaint petition instead of filing the present FIR.

6. Considering the aforesaid facts, it appears from the FIR that the present case is civil dispute and instead of filing of the complaint petition, the O.P. No.2 has filed the present FIR, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Banka in connection with Banka P.S. Case No.315 of 2024, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure/under Section 482(2) of the B.N.S.S., 2023 and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(II) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

anand/-

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