

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19922 of 2025

Arising Out of PS. Case No.-4944 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Saraswati Bala @ Madhu W/o Sunil Kumar Srivastav Resident of Nand
Nagar Colony, Behind Kali mandir ,PS- Bahadurpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Smriti Kumari W/o Sri Kumar Raj R/o Anil Baba Priyansu Place,
Bhikhana Pahari More, P.S.- Pirbhore, Distt.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nagendra Kumar, Advocate
For the Complainant	:	Mr. Nishant Kumar Sinha, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-06-2025 Heard Mr. Nagendra Kumar, learned counsel for the

petitioner, Mr. Nishant Kumar Sinha, learned counsel for the

Complainant and Mr. Bhanu Pratap Singh, learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 4944(C) of 2022, dated
14.07.2022 registered for the offences punishable under
Sections 406, 420 of the Indian Penal Code and Section 138 of
N.I. Act.

3. The case of the complainant, in brief, is that,
accused persons namely Saraswati Bala, Sunil Kumar Srivastav,
Malti Srivastav and Pura Srivastav have taken an amount of



Rs. 4,50,000/- (Four Lacs and Fifty Thousand) from the complainant on 30.10.2019 and again taken Rs. 2,00,000/- (Two lacs) on 05.11.2019. The accused petitioner has given a cheque of Rs. 6,50,000/- (Six Lacs and Fifty Thousand) issued from Central Bank of India, Kadamkuan, Patna bearing Cheque No. 099007 dated 29.11.2021. An agreement paper has been executed by the Saraswati Bala for the same. The accused persons Malti Srivastav and Puja Srivastav returned the amount of Rs. 25,000/- each to the complainant on 12.11.2021 and 06.11.2021 respectively.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that although the petitioner has received the amount in question from the complainant and in lieu of that he had issued a Cheque bearing no. 099007 of Central Bank of India dated 29.11.2021 and the same was not presented by the complainant within the stipulated period and due to this reason, the cheque was not honored in the account of the complainant.

5. Learned counsel for the complainant, on the other hand, opposed the prayer for anticipatory bail of the petitioner and submits that petitioner has received the amount to the tune



of Rs 6,50,000/- after giving receipt in the revenue stamp and he is not ready to return the amount in question to the complainant and apart from that on last two occasions learned counsel for the petitioner informs this Court that the petitioner is ready to pay the amount in question and today when the matter was called out learned counsel for the petitioner on instruction submits that he has refused to pay the amount in question.

6. Considering the aforesaid facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Complaint Case No. 4944 (C) of 2022 pending in the Court of learned Chief Judicial Magistrate, Patna.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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