

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21424 of 2025

Arising Out of PS. Case No.-149 Year-2021 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabhua)

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Abhishek Kumar Keshari Late Radheshyam Prasad Keshari Resident of
Mauza Bhabhua, Ward No. 16, P.O.- Bhabhua, P.S.- Bhabhua District-
Kaimur (Bhabhua)

... .. Petitioner/s

Versus

- 1 . The State of Bihar Patna
2. Pramendra Kumar Mishra Son of Dilip Kumar Mishra Resident of Vill-
Bhabhua, Ward No. 12, P.S.- Bhabhua, District- Kaimur (Bhabhua)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab , APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioners sand

learned A.P.P. for the State .

2. Petitioners apprehend arrest in registered for the
offences punishable under Sections 406 of the Indian Penal
Code and 138 of N.I. Act.

3 . As per the prosecution case , on 04.08.2020,
complainant supplied 230 tonnes of rice worth Rs. 72,86,000/-
including Rs. 1 lakh in cash to the accused persons with an
agreement to return the amount in three installments, as per
written document dated 04.06.2020. Upon repeated requests for
repayment, this petitioner issued two cheques, one for Rs. 45
lakhs on 18.12.2020 and another for Rs. 28,86,000/- on



04.01.2021 , which got bounced on 19.12.2020 due to account closure .

4. Learned counsel for the petitioner submitted that petitioner is running business of Hardware and he had not issued any cheque in favour of complainant. As a matter of fact, because of good relationship between both the parties, complainant requested for some money and pursuant to that petitioner issued two cheques in favour of complainant and thereafter, petitioner requested complainant to make a hand note in this respect but complainant did not agree to the same and thereafter, petitioner instructed his bank not to entertain the aforesaid two cheques.

5 . It is submitted on behalf of the State that petitioner is author of the cheques which got bounced due to insufficiency of fund and petitioner has got 5 criminal antecedents. It is further submitted that petitioner has been declared absconder and process of Section 82 of the Cr.P.C. has been initiated against him to ensure his appearance in the Court and as such , petitioner is not entitled to the relief of anticipatory bail (Lavesh v. State (NCT of Delhi) (2012) 8 SCC 730, State of MP v. Pradeep Sharma (2014) 2 SCC 17, Prem Shankar Prasad v. State of Bihar 2021 SCC OnLine SC 955) .



6. Considering the fact that petitioner is author of the
cheques which got bounced due to account closure and has got
5 criminal antecedents and also process of section 82 Cr. P C
has already been initiated against him, his prayer for pre-arrest
bail is rejected.

(Prabhat Kumar Singh, J)

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