

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27796 of 2025

Arising Out of PS. Case No.-653 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Vikash Kumar S/o Late Rajendra Saw Resident of Mohalla- Lalji Tola, P.S.-
Gandhi Maidan, District- Patna, (Detail as per complaint - M/s New Maa
Jagdamba Dry Fruit and Kirana Store Daldali Road, Pirmuhani, P.S.-
Kadamkuan, Patna) through its Proprietor Vikash Kumar (M) Aged about, S/o
rajendra Saw, R/o Mohalla- Lalji Tola, P.S.- Gandhi Maidan, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mithlesh Kumar Verma S/o Late Bhrameshwar Nath Verma R/o Mohalla -
Asta Asthuti Flat 2A Yarpur Gardanibagh, Road NO. 1, P.s. - Gardanibagh,
Distt.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate
For the Opposite Party/s : Mr. Anish Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State .

2. Petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 406, 420 and 34 of
IPC and Section 138 of NI Act.

3. The prosecution story in brief is that the
complainant namely, Mithilesh Kumar Verma alleged that the
petitioner, Vikas Kumar along with co-accused, took a loan of
Rs. 15 lacs from the complainant on 11.05.2022, promising
repayment within 4-5 months. It is next alleged that on



09.10.2022, they issued five cheques as part of repayment. Further, one cheque was dishonoured for insufficient funds. Despite legal notices and reminders, the accused avoided repayment and communication.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case, it is next submitted that petitioner is a person with clean antecedent. Learned counsel for the petitioner further submits that from a careful perusal of the complaint, it appears that the cheques were issued by the brother of the petitioner who is separate in mess and business and have no concern with his day to day affairs.

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

6. From a careful perusal of the complaint, it appears that the cheques were issued by the brother of the petitioner and not by the petitioner and the reason why the petitioner has been implicated in the case is because he happens to be the brother of the person who has issued the cheques which ultimately bounced. Since the main thrust of the allegation is on the brother of the petitioner and not on the petitioner and also the fact that petitioner is a person with clean antecedent, this Court is



inclined to grant the privilege of anticipatory bail to the petitioner.

7. Accordingly, the petitioner in the event of his arrest or surrender within four weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court of learned Judicial Magistrate, First Class, Patna in connection with Complaint Case No. 653(C) of 2023, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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