

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32364 of 2025

Arising Out of PS. Case No.-1706 Year-2005 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Ashok Kumar Jaiswal S/O Late Shivpoojan Jaiswal @ Shivpoojan Bhagat
Resident of Village- Shivnarayanpur, P.S.- Shivnaryanpur, District- Bhagalpur.
At present R/O Village- Lakhi Kundi, P.S- Dumka (Muffasil), Distt.- Dumka
(Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Bikash Kumar Sah S/O Late Banarsi Prasad Sah R/O Mohalla- Bhikhanpur,
Gumti No. 2, P.S- Kotwali (Bhagalpur), Distt.- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 09-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in Complaint
Case No. 1706 of 2005 registered under Section-420 of the
Indian Penal Code.

3. As per complaint petition, the petitioner took Rs.
3,00,000/- (Rs. Three lakhs) from the complainant and in lieu
thereof, he issued three cheques, which were dishonoured by the
bank stating that the account was closed. Thereafter, the
petitioner stated the complainant that he is going to deposit
money in his bank account and then he may withdraw the



amount through those cheques, already issued to him but he neither deposited the money nor replied the legal notice issued to him.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and he has falsely been implicated in this case. He mortgaged three cheques in lieu of Rs. 3,00,000/- taken by him from the complainant. His further submission is that the complaint was dismissed under Section 203 of the Cr.P.C. but it was restored by the order of learned District & Sessions Judge in Cr. Revision No. 205 of 2010. Learned counsel has further submitted that the petitioner was not aware of the existence of the proceedings since neither summons nor warrants was brought into notice of the petitioner. It has also been submitted that the petitioner returned those Rs. three lakhs to the complainant.

5. Learned counsel for the complainant has submitted that the petitioner took Rs. 3,00,000/- (Rs. Three lakhs) from the complainant and with dishonest intention, he issued three cheques and thereafter, he closed his bank account. His further submission is that all the processes to procure the appearance of the petitioner were exhausted by the court below but he could neither be arrested nor surrendered and having no option, the



court below declared him absconder and processes under the provisions of Sections-82 & 83 of the Cr.P.C. was issued.

6. In my view, the petitioner is not entitled for grant of anticipatory bail and accordingly, the same is *rejected*.

7. However, if the petitioner surrenders in the court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Nawneet Kumar Pandey, J)

A.K.V.//-

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