

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33150 of 2025

Arising Out of PS. Case No.-2312 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. Pritam kumar Sinha @ Pritam Kumar S/o Mukesh Kumar Sinha @ Mukesh Kumar R/o Mohalla - Vikash Nagar (Near Polytechnic Chowk), P.S.- Maranga, Distt.- Purnea
 2. Mukesh Kumar @ Mukesh Kumar Sinha S/o Late Harishankar Sinha R/o Mohalla - Vikash Nagar (Near Polytechnic Chowk), P.S.- Maranga, Distt.- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pradeep Kumar S/o Upendra Prasad Yadav R/o vill - Rahta, P.S.- Kumarkhand, Distt.- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioners and Mr. Shyameshwar Dayal, learned APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under Sections 138 of the N.I. Act and under Section 420 and 406 of the Indian Penal Code.

3. The case of the complainant is that the petitioner Pritam Kumar is a proprietor of R.K. Trader. Petitioner Mukesh Kumar is the son of petitioner Pritam Kumar. The complainant has sold various amount of maize to the accused, some of the payment was made by the accused and they promised to pay the rest in future. There has been business relationship between the parties i.e. why the



complainant believed the assurance given by the accused persons. It is further alleged that on 25.08.2022, the cheque given by the accused persons was presented before Bank of India which was dishonored. After that a legal notice was issued and a case under Section 138 of the N.I. Act was filed. The complainant claims that accused persons have taken maize on credit worth Rs.11,00,000/-.

4. Learned counsel for the petitioners submits that earlier they have preferred anticipatory bail before this Court and the learned Co-ordinate Bench vide order passed in Cr. Misc. Case No. 355 of 2024 has directed for mediation. Learned counsel further submits that mediation has failed. Learned counsel has also brought to notice the agreement between the parties which bears the signature of complainant as well. From perusal of the agreement it transpires that there has been agreement between the parties that the petitioners have taken maize on credit and there is some due for which post-dated cheque has been handed over. One of the condition of the agreement is that if the conditions of the agreement are not fulfilled, the complainant will be at liberty to prosecute. For attracting Section 420 of the IPC, mala-fide intention from beginning is necessary. In this case, parties have entered into agreement which goes to show that mala-fide intention was not there from very beginning. Learned counsel for the petitioners has also brought to the notice that before charge of evidence of complainant, in Paragraph '26' of the pre-charge evidence the complainant has stated that accused persons have



handed over him Rupees 28 Lakh. It is worth mentioning that this case has been filed under Section 420 and 138 of the Negotiable Instruments Act (in short the ‘Act’). Section 138 fo the Act, is palpable in nature and from the facts and circumstances of the case, Section 420 is not made out.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Purnia Complaint Case No. 2312 of 2022 on furnishing bail bond of Rs.10,000/- (Ten Thousand) each of them with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class-cum-AM 3rd, Purnea.

(Ashok Kumar Pandey, J)

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