

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36424 of 2025

Arising Out of PS. Case No.-78 Year-2024 Thana- KATIHAR COMPLAINT CASE District-
Katihar

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Balmiki Kumar S/O Sudhir Prasad Yadav R/O Vill.- Banki Basa, P.s.-
Rupauli, Dist.- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sweta Kumari W/O Sanjay Choudhary R/O Vill.- Mushapur, P.s.- Korha,
Dist.- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Jiban Prasad Singh, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 18-06-2025 Heard learned Counsel for the petitioner, learned APP
for the State and learned counsel for the Opposite Party No.2.

2. The petitioner is apprehending arrest in connection
with C.A. 78/2024 filed on 16.02.2024 for the offenses
punishable under Sections 138 of the Negotiable Instruments
Act, 1881 and Section 420 of the Indian Penal Code.

3. According to the prosecution, the petitioner is
alleged to have received money from the complainant pursuant
to an agreement for the sale of a specific piece of land.
However, the petitioner subsequently sold the said land to
another person. Upon the complainant's request for a refund, the
petitioner issued multiple cheques, which, when presented, were



dishonored.

4. Learned counsel for the petitioner, Mr. Ram Jiban Prasad Singh, submits that the case may be adjourned as the learned counsel, Mr. Satya Narayan Yadav, a practicing advocate of Katihar Civil Court, is not present in Court. On this ground, he seeks further time. He further contends that the case pertains to a piece of land that which does not belong to the petitioner.

5. Learned counsel appearing on behalf of Opposite Party No. 2 submits that cognizance has been taken under Section 138 of the Negotiable Instruments Act and Section 420 of the Indian Penal Code. He further states that multiple cheques, totaling approximately Rs. 16,00,000/-, have been dishonored. All procedural requirements under the Negotiable Instruments Act have been duly complied with, and a complaint has been filed accordingly. He further contends that bail cannot be granted as the process under Section 82 of the Code of Criminal Procedure has already been issued against the petitioner, following summons, issuance of bailable and non-bailable warrants and the said facts acknowledged in the order rejecting anticipatory bail.

6. The learned APP for the State vehemently opposes



the prayer for bail, submitting that the order of the learned Sessions Judge, Katihar, clearly indicates that the process under Section 82 of the Code of Criminal Procedure has already been issued against the petitioner.

7. Considering that the process under Section 82 of the Code of Criminal Procedure has already been issued against the petitioner, this Court is not inclined to grant bail. Accordingly, the petitioner’s prayer for bail in connection with C.A. Case No. 78/2024, pending before the learned Judicial Magistrate, 1st Class, Katihar, is hereby rejected.

(Dr. Anshuman, J)

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