

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36047 of 2025

Arising Out of PS. Case No.-131 Year-2024 Thana- PATNA COMPLAINT CASE District-
Patna

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Suraj Bhushan Prasad @ Suraj Bhushan Prasad S/o Late Baidnath Prasad
Resident of Mohalla- Pato ki Baag, Gwal Toli, P.S.- Khajekalan, District-
Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Indal Rai S/o Late Lal Bahadur Rai R/o- Diwan Muhalla Nauzar Ghat, Near Jagannath Mandir. P.S.-Khajekalan, Distt.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Pradhan
For the Opposite Party/s	:	Mr. Renu Kumari
For the Informant	:	Mr. Jay Ram Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 03-09-2025
1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Complaint Case No. 131 of 2024, dated 08.02.2024, disclosing offences under Sections 420/406/34 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

3. The prosecution case, as per the complaint filed by the complainant-opposite party no. 2, is that the petitioner came at the house of the complainant and requested for friendly loan for a some urgent work and on assurance of



the petitioner, the complainant paid a sum of Rs. 14,00,000/- pursuant to the agreement dated 05.06.2023. At the time of agreement, the petitioner gave two cheques, bearing nos. 022793 and 022795 to the complainant. The complainant produced one cheque, bearing cheque no. 022793, for a sum of Rs. 7,00,000/- before the bank for encashment, but the same got dishonoured on 15.01.2024. Thereafter, a notice was given by the complainant to the petitioner, but the petitioner failed to return the amount.

4. Learned counsel for the petitioner submits that the present complaint has been lodged with an ulterior motive and in abuse of the process of criminal court. He next submits that the petitioner returned some of the amount through electronic mode amounting to Rs. 60,000/- and the intention of the petitioner was not to cheat or deceive the complainant. He further submits that under Section 138 of the Negotiable Instrument Act, the cognizance has been taken by learned Magistrate.
5. On the other hand, learned counsel for the complainant-opposite party no. 2 vehemently opposes the prayer for bail and submits that the petitioner took huge amount of



loan from the complainant with false assurance that he would returned the loan as per agreement, dated 05.06.2023, having five witnesses. He next submits that the petitioner fraudulently issued cheques to the complainant which ultimately got dishonoured.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is loan transaction between the complainant and the petitioner, some of the amount has been returned by the petitioner to the complainant and cognizance has already been taken by learned Magistrate under Section 138 of the Negotiable Instrument Act, which is bailable in nature, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate First Class, Patna City, in connection with Complaint Case No. 131 of 2024, subject to the condition laid down



under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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