

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38825 of 2025

Arising Out of PS. Case No.-17 Year-2024 Thana- RAJIVNAGAR District- Patna

Birendra Kumar S/o- Ragho Prasad R/o- Raj Apartment, Ashiyana Digha Road PS- Shastri Nagar Dist- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Imtiyaz Ahmad S/o- Lt. Mumtaz Ahmed Mohalla- Dargha Road Ps- Hilsa Dist- Nalanda P/A- Khilafat Ansari Rajiv Nagar Road No-24, Ps- Rajiv Nagar Dist- Patna

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Shambhu Narayan Singh, Advocate Mr. Suraj Kumar Tiwari, Advocate Md. Ferooj, Advocate
For the State	:	Mr. Upendra Kumar, APP
For the Informant	:	Mr. Ramadhar Seikhar, Advocate Mr. Rajnish Kumar, Advocate Mr. Amit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 11-09-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Rajiv Nagar P.S. Case No.17 of 2024, dated- 07.01.2024, registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. As per allegation, the Informant gave an amount of Rs.23,15,000/- to the sole accused-Petitioner and by way of repayment the Petitioner had issued three cheques. However, when the informant presented two out of the three cheques to



the bank, the cheques were not honoured on account of the fact that the accused-Petitioner had already closed his account. Moreover, on the request of the Petitioner, the third cheque was not presented before the bank by the informant. Hence, the FIR was lodged under Section 406 and 420 of the Indian Penal Code.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the Petitioner has not received a single penny from the Informant as claimed. As a matter of fact, he has issued the cheques towards consideration for purchasing a land from the Informant but he has not sold the land to him. Hence, the informant is not entitled to get a single penny from the Petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State and learned counsel for the Informant vehemently oppose the prayer of the Petitioner for bail submitting that it is case of cheating by the



Petitioner because he had mensrea right from the beginning and that is why he has closed his account so that the cheque could not be honoured. As such, offence under Section 420 is made out and the Petitioner does not deserve anticipatory bail. They further submit that the plea of the Petitioner that he had issued the cheques towards consideration for purchasing land is totally false and baseless. There is no such agreement between them, and hence, such plea is totally unfounded.

8. Considering the fact that the cheques were issued and the account was found to be closed on the date of presentation of the cheques in the bank, and there is no agreement of sale between the parties in regard to any landed property, I am not persuaded to grant anticipatory bail to the Petitioner.

9. Accordingly, the present petition is **rejected**.

(Jitendra Kumar, J.)

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