

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51021 of 2024

Arising Out of PS. Case No.-464 Year-2023 Thana- BHORE District- Gopalganj

Mahendra Kumar Singh Son of Lalji Kushwah R/O Vill.- Paroha Uttar Tola,
P.S.- Khampar, Dist.- Deoria, Uttarpradesh. At Present vill.- Bhopatpura
Nawaka Tola, P.S.- Bhorey, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj Singh, Adv

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

21 03-12-2025 Heard the parties.

2. The petitioner seeks bail in connection with Bhorey
P.S. Case No. 464 of 2023 registered for the offence under
Sections 406 and 420 of the I.P.C. and Section 138 of the NI Act.

3. The petitioner is named in the F.I.R. and is in custody
since 22.09.2025 and prior to this petitioner was in custody since
28.03.2024 to 20.08.2024 in connection with this case before
granting of provisional bail, where petitioner failed to surrender
within time.

4. Mr. Vijay Kr. Sinha, learned counsel appearing on
behalf of the petitioner submitted that factual allegation as raised
through present FIR prima-facie nowhere suggesting that this is a
case where FIR is to be entertained. It is submitted that this case
is purely related with dishonoring of cheque, where compliance of



Section 142 of the N.I. Act is mandatory and as per said provisions only complaint petition is to be entertained and on that ground alone, lodging of the present FIR is completely against the law, whereas the allegation as raised through FIR prima-facie nowhere supporting the ingredients as to put allegation within the meaning of Section 406 and 420 of the IPC. It is submitted that primarily the allegation *qua* recovery of loan which was given in cash for amount of Rs. 4 lakhs, for which a Civil Redressal system is available to the informant and, therefore, the present criminal prosecution is completely un-occasioned and unwarranted.

5. Arguing further, it is submitted that petitioner could not surrender before the Court below after expiry of provisional bail due to certain confusion and also some mistake in communication otherwise his non-surrender was neither intentional nor deliberate. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that allegation is specifically available against this petitioner to issue



one cheque of Rs. 4 lakhs against cash loan of Rs. 4 lakhs.

7. In view of aforesaid factual submission and by taking note of fact as prima-facie present dispute is arising out of recovery of loan, where allegation as raised through FIR suggests that primarily this is a case of N.I. Act, coupled with fact as investigation of this case already completed where petitioner remains in custody for seven months, accordingly petitioner above named, is directed to be released on bail in connection with Bhore P.S. Case No. 464 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Gopalganj/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

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