

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53044 of 2024

Arising Out of PS. Case No.-1305 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Kumar Madhurendra @ Madhurendra Mishra @ Raj Mishra S/o- Ravikant
Mishra Village- Manguraha Ps- Govindganj Dist- East Champaran
... .. Petitioner/s

Versus

1. The State of Bihar
2. Shyamkant Mishra son of Kamlesh Mishra Village- Nawada Fatuha Ps-
Kotwa Dist- East Champaran
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.
For the Opposite Party/s : Mr.Shantanu Kumar, APP
Ms.Usha Kumari, Adv.for OP-2

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 30-01-2025 Heard learned counsel for the petitioner, State and
complainant/opposite party no. 2.

2. The petitioner apprehends his arrest in a complaint
case punishable for the offence under Sections 406, 420 of the
Indian Penal Code and Section 138 of the N.I.Act.

3. It is alleged that complainant and petitioner were
well-acquainted to each other from before. Petitioner was
working in Indusland Bank at Muzaffarpur branch and
complainant had to purchase JCB machine on loan and as such,
he approached the petitioner, whereupon, petitioner suggested
him (complainant) to deposit Rs. 4,00,000/- and he will be
sanctioned loan of Rs. 10,00,000/- from the bank, as the cost of
J.C.B. machine is Rs. 14,00,000/-. It is further alleged that on



03.12.2021, the complainant gave a cheque of Rs. 4,00,000/- to the petitioner at his residence and petitioner assured complainant that he will get the loan within one month, but after lapse of several months when complainant did not get loan, he demanded his Rs. 4,00,000/- back, on which, petitioner gave a cheque of Rs. 72,000/- to the complainant, which on presentation in the bank got bounced due to insufficiency of fund. Thus, the petitioner cheated the complainant.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has not received Rs. Four lacs from the complainant. As a matter of fact, petitioner took a loan of Rs. 93,000/- from the complainant for the purpose of marriage of his sister and petitioner has already returned Rs. 41,000/- (in two installment) to the complainant through mobile banking and with regard to rest money i.e. **Rs. 52,000/-**, petitioner is ready to pay the same to the complainant. This statement has also been made in paragraph – 2 of the supplementary affidavit.

5. Learned counsel for the opposite party no. 2 opposes the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of eight weeks from today, be



enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Motihari, East Champaran in connection with Complaint Case No. C-1305 of 2022 (Enquiry No. 42 of 2022), subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further following conditions:

“(A) At the time of furnishing bail-bond, the petitioner shall deposit **Rs. 52,000/-** (fifty thousand) in the *Nazarat* of concerned Civil Court and receipt of the same shall be furnished alongwith bail-bond.

(B) The aforesaid payment shall be subject to final outcome of the case.

(C) If petitioner fails to comply the direction of this Court, the learned Court below would be at liberty to cancel the bail-bond of the petitioner.”

7. This order has been passed, without going into the merit of the case, only for the purpose of considering the prayer for anticipatory bail of petitioner.

(Prabhat Kumar Singh, J)

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