

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51053 of 2025

Arising Out of PS. Case No.-392 Year-2024 Thana- NAGAR District- Vaishali

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1. Sapna Kumari Sharma D/o- Sitaram Sharma, W/o- Vipin Goyal Resident of 16 Rajendra Nath Chatterjee Road Baranagar M PS- Alam Bazar District North 24 Pargana West Bengal
 2. Sandeep Sharma S/o- Sitaram Sharma Resident of 16 Rajendra Nath Chatterjee Road Baranagar M PS- Alam Bazar District North 24 Pargana West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanchay Srivastava, Adv
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioners through virtual mode and learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Hajipur Town P.S. Case No. 392 of 2024 registered for the offence punishable u/s 406 and 420 of the I.P.C. and under Section 138 of the N.I. Act.

3. As per the prosecution case, the petitioners are alleged to have entered into a business agreement with the informant and several investments were done by the informant and the company had acknowledged his investment *via* official e-mail and had accepted the total amount due with them and payable to the informant to the tune of Rs. 2,40,35,500/-. It is



further alleged by the informant that in order to repay the due amount, the petitioner no. 1 issued a cheque amounting to Rs. 1,41,00,000/- in favor of the informant and, thereafter, when the said cheque was deposited the same was dishonored on account of insufficient funds and the petitioners, thereafter, kept promising the informant that they would be paying the due amount, however, no action was taken by the company and, thereafter, a legal notice was served upon the company and its directors, however, no steps were taken for the repayment and, hence, the present FIR was lodged.

4. Learned counsel for the petitioners submits that the petitioners are reputed persons and they are directors of the Company M/s Tramitar Service (OPC) Pvt. Ltd., and the entire allegations against the petitioners is false, frivolous and concocted. It is further submitted that the cheques came to be planted with a view to coerce, harass and blackmail the petitioners and subsequently to extort money from them. Learned counsel for the petitioners next submits that the cheque was deposited in the Bank by the informant without express consent of the petitioners and no notice as contemplated under Section 138 of the N.I. Act was ever served upon the petitioners. It has lastly been submitted that the I.O. of the present case had



came to the residence of the petitioners in West Bengal and had arrested the petitioners, however, when they were presented before the learned Magistrate for transit remand the learned A.C.J.M., Vidhan Nagar, North 24 Pargana, West Bengal, refused to grant the transit remand and, in fact, granted interim bail to the petitioners on 14.04.2025. Thus, learned counsel for the petitioners has prayed that in such a case where *prima facie* no case is being made out against the petitioners, the petitioners may be granted the benefit of anticipatory bail.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail and has stated at the outset that the present application is not maintainable in light of the fact that the petitioners have themselves stated in paragraph no. 49 of the bail application that the I.O. of the case had arrested the petitioners and they were presented before the learned Magistrate for remand, however, the petitioners were granted interim bail by the learned A.C.J.M. at West Bengal. It is next submitted that in view of such fact, the present anticipatory bail application is not maintainable as the petitioners were admittedly arrested and the learned A.C.J.M., Vidhan Nagar, North 24 Pargana, West Bengal, had granted the said bail on the condition to appear before the Court of learned C.J.M., Vaishali



by 21.05.2025 and submit a compliance report before the said Court by 18.06.2025. It is also submitted that instead of appearing before the learned Court below, the petitioners have filed anticipatory bail application before this Court on 21.07.2024 while their anticipatory bail applications was rejected by the learned Court below way back on 13.12.2024.

6. Considering the aforesaid facts and submissions made by the respective parties, this Court finds that the present application is misconceived and the same is hereby dismissed as being not maintainable.

(Sourendra Pandey, J)

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