

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48771 of 2025

Arising Out of PS. Case No.-250 Year-2025 Thana- HISUWA District- Nawada

Rajeev Kumar S/O Sukhdev Singh, Resident of Jagatpur Dhandhar, Jagatpur,
P.S. - Atri, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate

For the State : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Hisua P.S. Case No. 250 of 2025 dated
08.05.2025, registered for the offences punishable under
Sections 316(2) and 318(2) of the B.N.S., 2023.

3. As per allegation, the informant sold rice to the
accused-petitioner for Rs.6,68,772/-, out of which Rs.1,90,000/-
was paid to the informant and remaining price consideration
amount was to be paid within ten days. However, later on the
petitioner did not pay the balance amount and issued cheque for
Rs.4,78,772/- which was dishonoured.

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 F.I.R. has been lodged under Sections 316(2) of B.N.S., corresponding to Section 406 of I.P.C. and 318(2) of B.N.S., corresponding to Section 420 of I.P.C. As per the alleged facts and circumstances, no offence of breach of trust is made out because it is not a case of entrustment, but it is a case of payment of the sale price. He further submits that even offence of cheating is not made out because *mens rea* to defraud the informant does not arise, because out of sale consideration amount, part payment has already been made and even for the rest amount, cheque was issued, but on account of some unavoidable reason, fund was not sufficient at the time of presentation of the cheque in the bank. Hence, no offence is made out against the petitioner and at most dispute is of civil nature.

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 antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances,



this petition is allowed, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Hisua P.S. Case No. 250 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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