

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54649 of 2025

Arising Out of PS. Case No.-819 Year-2022 Thana- RUPASPUR District- Patna

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1. Satya Bhama Devi @ Satyabhama Devi W/O Late Vimlesh Prasad Singh R/O Flat No. 32 Awadh Kunj Apartment Kachchi Talab, P.S.- Gardani Bagh, Dist.- Patna
 2. Mani Shankar @ Mani Shankar Singh S/O Late Vimlesh Prasad Singh R/O Flat No. 32 Awadh Kunj Apartment Kachchi Talab, P.S.- Gardani Bagh, Dist.- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mr. Abhishek Barnwal S/O Shri Shubh Lal Agrawal R/O Marble Vihar, West Rupaspur, Near Gola Road, Danapur, Dist.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunal Singh
For the Opposite Party/s : Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-08-2025 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 420, 425, 406, 120B and 34 of the Indian Penal Code and Section 138 of the N. I. Act.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and from perusal of the allegation as alleged in the FIR, it would manifest that the informant in sum and substance alleges that he sold tiles



and marbles worth Rs.11,31,845/- and Rs.12,41,711/- on credit to the firm of the petitioners and in lieu of the same, cheque of an amount of Rs. Five Lacs was issued by Ravi Kumar, but the same on presentation for encashment bounced.

4. The learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that the dispute is purely civil to which a criminal colour has been given. It is also submitted that offence under Section 138 of the N. I. Act is bailable. It is next submitted that the law is well settled that with respect to bouncing of cheque, an FIR is not maintainable. It is also submitted that if the informant was of the opinion that his money has been siphoned off by the petitioners, in that event, he could have approached a Court of competent civil jurisdiction for realizing his money where the petitioners could have appeared and would have rebutted his claim, but then, a criminal case came to be instituted in order to coerce the petitioners into submission, so that fanciful demand of the informant is met.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the



event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Danapur, Patna in connection with Rupaspur P. S. Case No.819 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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