

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62344 of 2024**

Arising Out of PS. Case No.-2090 Year-2019 Thana- GAYA COMPLAINT CASE District-  
Gaya

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Baiju Kumar Son of Sitaram Singh R/o Village- Baja Bigha, P.S.- Tankuppa,  
District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Deepak Kumar Son of Krishna Prasad R/o Village- Fatehpur, near Asthbhuja  
Devi Asthan, P.S.- Fatehpur, District- Gaya

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Tej Narayan Singh  
For the Opposite Party/s : Mr. Madan Kumar

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

ORAL ORDER

- 7      12-05-2025                      1. Heard learned Counsel for the petitioner and  
learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail,  
arises out of Complaint Case No. 2090 of 2019, disclosing  
offences under Sections 420 of the Indian Penal Code and  
Section 138 of the N.I. Act.
3. As per the FIR, the complainant gave Rs. 4 lakhs  
to the petitioner as loan up to 08.08.2019. The petitioner issued  
four cheques in favour of the complainant, valued at Rs.  
1,19,000/- which got dishonored.
4. Learned counsel for the petitioner submits that



the petitioner has falsely been implicated in this case and, on perusal of the complaint, no offence of cheating and/or misappropriation of the amount is made out. The Sum of Rs. 4 lakhs was not given by the complainant to the petitioner but a friendly loan was given to the petitioner by the complainant, which the complainant refunded. However, on the request of the complainant that cheques were lost, the petitioner issued a cheque of Rs. 1,90,000/-. There was no intention on part of the petitioner to cheat or deceive the complainant from the very beginning. The allegation against him gives rise to civil dispute of settlement of accounts between the parties.

5. No one appears for the opposite party no. 2, despite service of notice.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that there was a friendly transaction of loan between the parties, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released 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 Judicial Magistrate 1<sup>st</sup> Class, Gaya, in connection with Complaint Case No. 2090 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

HarshPandey/-

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