

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58304 of 2025

Arising Out of PS. Case No.-202 Year-2019 Thana- COMPLAINT CASE - ROSERA
District- Samastipur

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Sanjeev Kumar Choudhary @ Shankar Choudhary Son of Mithilesh Narain
Choudhary @ Mithilesh Naryan Choudhary Village- Hathauri Kothi P.S-
Hathauri District -Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Krishna Bihari singh @ Laltun Singh son of Ramlakhan singh Resident of
Village- Thanka, Ps- Hathauri, Dist- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Ms. Ankita Singh, Advocate Mr. Nawal Kishore Prasad, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323, 379, 406, 409, 417, 420, 465, 467, 468, 471, 504 and 34 of the Indian Penal Code.

3. Learned counsel appearing on behalf of the petitioner submits that petitioner is a person with clean antecedent and the complainant alleges that accused persons borrowed Rs.2,00,000/- with a promise to repay the same, further petitioner issued a cheque of Rs.1,00,000/- which on



presentation for encashment bounced, further when complainant asked the accused to return his money, he was assaulted and accused snatched Rs.5000/- from pocket. It is next submitted that even presuming what has been alleged is true without admitting, in that event, the cheque, which the complainant claims to have been issued by the petitioner, on presentation for encashment bounced, offence under Section 138 of the N.I. Act is made out and if the complainant is able to prove his case in the learned trial court with regard to bouncing of cheque, the petitioner will suffer the consequences. It is also submitted that offence under Section 138 of the N.I. Act is bailable but then from perusal of the order impugned, it would manifest that cognizance has been taken only under Section 420 of the Indian Penal Code, which amply demonstrates that the cheque was not presented before the learned trial court which further demolishes the case of the complainant.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by learned counsel for the petitioner, let petitioner, above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bond of **Rs.10,000/- (Rupees Ten Thousand)** with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with CR Case No.202/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Sanjay/-

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