

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72133 of 2024

Arising Out of PS. Case No.-2500 Year-2023 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Abdurrahman @ Abdur Rahman Son of Sheikh Mohammad Aamil R/O-
Village- Semri, PS- Sathi, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Virendra Sharma Son of Late Prabhunarayan Sharma R/O-Village- Semri,
Ward No. 6, PS- Sathi, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.
Mr. Umesh Kumar Gupta- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-03-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel appearing on behalf of
the complainant.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 420 of the Indian Penal Code and Section 138 of the N.
I. Act.

3. The learned counsel for the petitioner submits that
from bare perusal of the allegation as alleged in the complaint, 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 and in the nature of



allegation as alleged in the complaint, no offence under Section 420 IPC is made. It is next submitted that in sum and substance, the allegation is that the complainant alleges that petitioner had taken a loan of Rs.3 Lacs for starting a business, but the amount was not returned in lieu of which, a cheque was issued which on presentation for encashment bounced. It is submitted that petitioner has his own defence, but then, prima facie no offence under Section 420 pf the IPC is made out. It is also submitted that in the event, if the complainant is able to prove his case before the learned trial Court, the petitioner will suffer the consequences.

4. Learned A.P.P. Sri Chandra Bhushan Prasad and the learned counsel appearing on behalf of the opposite party no.2 opposes the anticipatory bail application of the petitioner, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that in the nature of allegation, no offence under Section 420 IPC is made out.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of Md. Sarwar Anasri, the learned J.M., 1st Class, Bettiah, West Champaran in connection with Complaint Case No.2500 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

(Satyavrat Verma, J)

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