

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75006 of 2024

Arising Out of PS. Case No.-1325 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Neeraj Kumar Son of Late Laxman Singh Resident of House No.53, Near Sapna Apartment, Guru Sahay Nagar, Ashiyana Nagar, P.S. - Rajeev Nagar, District - Patna
 2. Ganesh Gautam Son of Laldeo Singh Resident of Village - Chanakya Vihar Colony, Ambedkar Path, Bailey Road, P.S. - Rukunpura, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Keshav Kumar Keshari Son of Late Sitaram Prasad Resident of Khairi Mal, P.S. - Pipra, District - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amit Narayan, Advocate
	:	Mr.Ashwani Kumar, Advocate
For the Opposite Party/s	:	Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-03-2025 Heard Mr.Amit Narayan, learned counsel for the petitioners, learned counsel for the complainant and Mr.Mithlesh Kumar Khare, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Trial No.237 of 2024, arising out of Complaint Case No.1325/2019, dated 19.06.2019, registered for offences punishable under 323,406 and 506 of the Indian Penal Code.

3. As per complaint petition, the complainant-Keshav Kumar Kesari had taken loan of Rs.10,00,000/- (Rs.Ten Lacs)



from the petitioners-accused, namely, Neeraj Kumar and Dhiraj Kumar on 08.02.2015 on interest at the rate of 3% per month and in guarantee the complainant had given six signed blank cheques to the accused persons. The complainant gave Rs.22,07,500/- to the accused persons on different dates through cheques or cash till 01.08.2018. After payment of loan amount with interest to the accused persons, the complainant demanded his six blank cheques from the accused persons, the accused persons took signature of the complainant and his wife on blank paper, but the accused persons have not returned cheques to the complainant. The further case is that the accused persons demanded interest at the rate of 5% per month from the complainant and threatened him. The complainant is confident that the accused persons may misuse his signed blank cheques.

4. Learned counsel for the petitioners submits that petitioner No.1 has clean antecedent and petitioner No.2 carries one more case other than the present one and he is on bail in the said case. They have falsely been implicated in the present case. Although from a bare perusal of the complaint petition it appears that the petitioners took loan amount of Rs. 10,00,000/- (Rs.Ten Lacs) @ 3% interest from the complainant but the petitioners did not return the said amount.



5. Vide order dated 29.01.2025, the matter was referred for mediation. The report of the learned Mediator dated 07.03.2025 reveals that the dispute between the parties have been resolved through the process of mediation and the terms of settlement mutually agreed upon by them and both the parties have signed on the agreement dated 06.03.2025.

6. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, Motihari, East Champaran in connection with Trial No.237 of 2024, arising out of Complaint Case No.1325/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2)of BNSS, 2023 and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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