

**-IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78182 of 2023**

Arising Out of PS. Case No.-128 Year-2016 Thana- MUNGER COMPLAINT CASE
District- Munger

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BIJAY KUMAR GOSWAMI SON OF LATE ANANT PRASAD GOSWAMI
RESIDENT OF VILLAGE AND POST OFFICE - GAURA CHOWKI,
POLICE STATION - KAJRAILI, DISTRICT - BHAGALPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NEELAM DEVI WIFE OF BASUDEV SAH RESIDENT OF VILLAGE -
BARIYARPUR BAZAR, DISTRICT - MUNGER

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sushil Kumar Singh
For the State	:	Mr.Shailendra Kumar Singh
For the O.P. No. 2	:	Mr. Rajendra Prasad Sah

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 10 | 18-12-2025 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner, learned Counsel for the Opposite Party No. 2 and learned Additional Public Prosecutor for the State.2. This application, for grant of anticipatory bail, arises out of Complaint Case No. 128 (C) of 2016, in which cognizance has been taken for the offences punishable under Sections 406/420/323/504/506/34 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.3. The prosecution case, as per the complaint petition, is that the complainant, on the allurements of the accused |
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persons, including the petitioner, purchased a piece of land from one Krishnadeo Yadav, and when the complainant applied for mutation of the said land, she came to know that the land was earlier sold to someone else and the sale deed was forged document. When the complainant told the accused persons, including the petitioner, they agree to return the amount and also issued three cheques for Rs. 5,00,000/-. When the complainant produced the said cheques for its encashment, the cheques got dishonoured due to insufficient fund. The complainant informed the accused persons about the dishonouring of the cheques, then the accused persons refused to return the money.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the land in question was not sold by him; rather, he only informed the complainant about the availability of the land in question. He further submits that there is no allegation in the complaint petition that the complainant had paid the consideration money to the petitioner. He next submits that similarly situated co-accused person, namely, Rakesh Goswami,



has already been granted anticipatory bail by the learned District Court itself on 31.05.2022.

5. On the other hand, learned Counsel or the complainant/ Opposite Party No. 2 and the State vehemently oppose the prayer for anticipatory bail and submit that the petitioner, for the first time, approached the learned District Court for grant of anticipatory bail in the year 2016, which was rejected. Instead of approaching this Court for grant of anticipatory bail or surrender before the learned District Court, the petitioner, after about six years of rejection of the first anticipatory bail application, again approached the learned District Court for grant of anticipatory bail in the year 2023, which got dismissed by order, dated 01.08.2023 and against the said rejection order, the petitioner approached this Court on 24.11.2023. As such, the petitioner has misused the process of Court by filing successive anticipatory bail applications before the learned District Court without any fresh material or grounds.
6. After having heard learned counsel for the parties concerned and taking into consideration the fact that the first anticipatory bail application of the petitioner was



rejected by the learned District Court in the year 2016 on merits and the petitioner again approached the learned District Court for grant of anticipatory bail in the year 2023 without any fresh material or grounds, and misused the process of Court, I am not inclined to entertain this anticipatory bail application.

- 7. This application is, accordingly, dismissed.
- 8. However, if the petitioner surrenders before the learned District Court and files an application for grant of regular bail, the learned District Court will decide the same without being prejudiced by the rejection of the anticipatory bail application of the petitioner and the fact that offence under Section 138 of the Negotiable Instruments Act is bailable.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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