

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74767 of 2025

Arising Out of PS. Case No.-916 Year-2020 Thana- KANKARBAG District- Patna

Ashish Kumar Son of Umesh Kumar Ashok Nagar, Road No. 1, Lohia Nagar,
Police Station Kankarbagh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shristi Singh, Advocate

For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-11-2025 Heard Ms. Shristi Singh, learned counsel for the

petitioner and Mr. Rabindra Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kankarbagh P.S. Case No. 916 of 2020, F.I.R. dated 28.11.2020 for the offences punishable under Sections 406, 420 of the Indian Penal Code.

3. As per the prosecution case, the informant Abhishek Raj lodged a written complaint alleging that he purchased a Maruti Swift ZXI Car (Registration No. BR-01-DV-6065) from Ashish Kumar for Rs. 5 Lacs. Ashish Kumar issued a Sale Letter dated 25.12.2019, verified before the Notary on 20.01.2020, and assured that he would clear the vehicle's loan with Mahindra Finance Ltd. within a month. Since Ashish



Kumar was his father's business partner at A.P. Enterprises, Ashok Nagar, the informant trusted him. However, Ashish Kumar failed to pay the installments, resulting in Mahindra Finance seizing the vehicle on 15.03.2020. Despite promises and a legal notice dated 12.10.2020, Ashish Kumar has not returned the Rs. 5 Lacs, thereby cheating the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR are false and fabricated and the petitioner has not committed any offence as alleged in the FIR. The police after investigation submitted charge-sheet under Sections 406, 420 of the I.P.C., however, the learned Judicial Magistrate First Class, Patna vide order dated 12.04.2023 took cognizance only for offence under Section 420 of the Indian Penal Code. Learned counsel for the petitioners submits that the investigation in the present case is complete, charge-sheet has been submitted and therefore, there is no requirement of custodial interrogation of the petitioner.

5. The learned Additional Public Prosecutor for the State on the basis of material available on the record has vehemently opposed the prayer for bail of the petitioner and



submits that from the record of the case it appears that earlier the petitioner has moved this Court for grant of anticipatory bail in Cr. Misc. No. 12823 of 2021 and the same was withdrawn without any liberty to move afresh. He further submits that in view of the judgment of the Apex Court, second anticipatory bail is not maintainable and earlier the bail petition of the petitioner was withdrawn without any liberty which suggests that this is second anticipatory bail of the petitioner.

6. Considering the aforesaid fact that the petitioner had earlier moved before this Court in Cr. Misc. No. 12823 of 2021 and the same was withdrawn without any liberty to petitioner to file a fresh anticipatory bail and the same was withdrawn in 2022 and the present bail has been filed in the year 2025. Hence, there is no merit in the present case and it is not maintainable, therefore, it is dismissed accordingly.

(Rajesh Kumar Verma, J)

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