

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79457 of 2024

Arising Out of PS. Case No.-350 Year-2023 Thana- COMPLAINT CASE District- Araria

Deepak Kumar Thakur Son of Naresh Thakur Resident of Village - Belwari,
Ward No. 13, P.S. -Bardaha, District - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajay Kumar Son Of Late Kamalchand Patwa Resident of Ashram Road,
ward no.15, Pro-Shree Lakshmi Narayan Trading, P.S and District - Arariya
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 21-04-2025 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel
for the opposite party no. 2.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 406 of the
Indian Penal Code.

3. The prosecution case is based upon a complaint
wherein it has been alleged that the petitioner, who is a
Commission Agent of the complainant, has misappropriated an
amount to the tune of Rs. 23,19,680/- from the complainant
wife's firm Aditi Enterprises and also from Laxmi Narayan
Enterprises.

4. Learned counsel for the petitioner submits that the



allegation made in the complaint is absolutely false and the present case has been filed to only exert pressure upon him as he had left the job in the year 2022 and the complainant had some grievances against the petitioner. It appears from a reading of the complainant's statement on oath also that the petitioner had been working properly with the complainant from till the year 2020 and thereafter, the complainant had a grievance that the money was not being paid to him by the petitioner. On the strength of this allegation, the learned counsel for the petitioner submits that the allegations remain only to the extent of money transaction and some accounting dispute between the parties. So far as the allegation of bouncing of cheque is concerned, it is submitted that in the present case, there is no cognizance under Section 138 of the N.I. Act and at this stage, learned counsel for the opposite party no. 2 informs that another complaint case has been filed under the provisions of the N.I. Act.

5. Learned APP for the State and learned counsel for the opposite party no. 2 have opposed the application for anticipatory bail.

6. Considering the civil nature of disputes and also taking into consideration that criminal cases cannot be filed for recovering money, let the above named petitioner in the event of



his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on 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 court below where the case is pending/successor court in connection with Araria Complaint Case No. 350-c of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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