

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1122 of 2025

Arising Out of PS. Case No.-479 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Viswanath Thakur Son of Late Shanker Thakur Resident of C/O- Haripriya Healthcare and OPD Centre, Gayatri Complex, Mohanpur Road, P.S.- Samastipur Town, Distt.- Samstipur Permanent resident of Village- Harpur, P.S.- Pusa District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashwani Kumar Son of Shankar Prasad Gupta Resident of Kashipur Ward No. 14, P.S.- Samastipur Town, Distt.- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra

For the Opposite Party/s : Mr.Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a complaint case punishable for the offence under Section 420 of the Indian Penal Code and Section 138 of the N.I.Act.

3. It is alleged that the cheque of Rs. 2,25,000/-, issued by the petitioner, got dishonored due to insufficiency of fund.

4. Learned counsel for the petitioner submits that complainant has not come with clean hands, as an agreement was entered between the parties on 11.03.2019, in which an Indica Vista car, having registration no. BR10L-1409 and a Ford



Figo, having registration no. JH10AA-7014 were purchased by the petitioner from complainant on a total consideration amount of Rs. 5,51,000/-. This amount was to be paid by the petitioner to complainant in 24 monthly installments and four blank cheques were given by the petitioner, as security, in case the petitioner fails to repay the aforesaid amount to complainant. He further submits that in the year 2021, the complainant had filed another complaint case i.e. Complaint Case No. 683 of 2021, for the same cause of action, and in the said case, petitioner has already been granted bail by the Court below, vide order dated 22.04.2022 (Annexure P/3). As per agreement, petitioner has already paid entire amount in cash to the complainant, but the complainant did not return the cheques, which were handed over by the petitioner at the time of agreement, and only with a view to harass the petitioner, the complainant has filed present complaint case.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, in the event of arrest/surrender before the Court below within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Samastipur in connection with C.R. Case No. 479 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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