

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87512 of 2024**

Arising Out of PS. Case No.-77 Year-2023 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Trilok Kumar @ Trilok Kumar Mahto S/O Tarak Mahto R/O- Vill.- Kiratpur
Rajaram, P.O. and P.S.- Bhagwanpur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jitendra Kumar S/o- Baleshwar Sah R/O- Vill.- Kiratpur Rajaram, P.O. and
P.S.- Bhagwanpur, District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Janardan Prasad Singh, Adv
For the State : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 05-08-2025 Heard learned counsel for the petitioner and learned
counsel for the OP.No.2 learned APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offences punishable under sections 420 of the Indian
Penal Code.

3. The allegation in the complaint petition is that the
petitioner borrowed an amount of Rs. 21 lakh from the
complainant/ OP No. 2 for extension of his ready made shop on
different dates from 15.06.2019 till 05.04.2022 but he did not
return the same to the OP. No.2. Further, a cheque of Rs. 21 lakh
was given in favour of the complainant also got dishonoured.

4. Learned counsel for the petitioner submits that the



entire allegation of giving money to the tune of Rs. 21 lakh to the petitioner by the complainant is not correct and the amount even as alleged by the OP.No.2 has not been given by way of any account transaction. So far as, the payment in cash is concerned, the details of payment of such amount of Rs. 21 lakh has also not been given by the petitioner and there is no chit of paper to substantiate such transaction. Further, with respect to the allegation of bouncing of cheques, it has been submitted that there is no cognizance under section 138 of the N.I Act and cognizance has been taken only under section 420 of the IPC.

5. The learned counsel for the O.P.No. 2 however opposes the prayer for bail and supports the allegation made in the complaint petition.

6. Considering the facts and circumstances and also noticing the vagueness of the allegation with no substantive proof of money transaction, let the petitioner, in the event of his arrest/ surrender within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs 10,000/- (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 Complaint Case no. 77 of 2023, subject to condition as



laid down under section 438(2) of the Cr.PC. and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

N.K/-

(Soni Shrivastava, J)

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