

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86501 of 2024

Arising Out of PS. Case No.-468 Year-2024 Thana- KHAGARIA District- Khagaria

Sunny Poddar S/o- Late Arun Poddar @ Arun Kumar Poddar Resident of
village- kalibari ward no 12, Ps- Khagaria, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Kumar
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 06-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Khagaria P.S. Case No. 468/2024 registered for the offence
punishable under Sections 406/409/420/120-B/467 of the Indian
Penal Code and Section 138 of the N.I. Act.

3. As per the prosecution case, the informant was
running business in the name and style of Nishant Enterprises
and the petitioner was engaged in trading in the name and style
of Shiv Trading, at Mathurapur, District Khagaria. It has been
alleged that the petitioner had purchased 30,500 Kg. paddy on
09.01.2018 and 29,640 Kg. paddy on 19.01.2018 on credit from
the informant worth Rs. 432037/- and Rs. 420888/- respectively
and total amount of Paddy was rupees 8,52,925/- only, but the



aforesaid amount was not paid by the petitioner. It has further been alleged that the petitioner on 01.03.2017, purchased maize from one Shankar Prasad Singh amounting to Rs. 4,57,000/- and for the said amount a Cheque bearing No. 290197 dated 20.05.2018 of the Indian Bank, Khagaria Branch was issued by the petitioner in the name of Shankar Prasad Singh, but the said Cheque bounced. It has also been alleged that the petitioner has taken Rupees Five Lakh from one Hare Ram Chaudhary and cheque was also issued and bounced.

4. Learned counsel for the petitioner submits that the allegation against the petitioner gives rise to a civil dispute in business transaction inasmuch as the goods were purchased in the year 2017-18 but F.I.R. has been lodged after lapse of so many years in 2024.

5. A civil dispute has been given colour of a criminal case.

6. The petitioner is in custody since 27.09.2024 and claims clean antecedent.

7. On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner was granted provisional bail by a co-ordinate Bench of this Court and the matter was sent for mediation.



However, mediation did not fructify and the informant has been devoid of his money as such, the petitioner does not deserve the privilege of bail.

8. Regards being had to the submissions made by the parties and taking into consideration the nature of allegation and the fact that the allegation arises out of a business transaction, I am inclined to grant regular bail to the petitioner.

9. Accordingly, the provisional bail granted to the petitioner vide order dated 22.04.2025 is hereby confirmed.

(Anil Kumar Sinha, J)

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