

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87489 of 2024

Arising Out of PS. Case No.-184 Year-2023 Thana- COMPLAINT CASE District- Sheohar

Shivam Kumar S/o- Sikandar Singh Village- Bsahiyaram, P.S- Fatehpur,
District- Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharmendra Kumar S/o- Late Jitendra Kumar Village- Sheohar W.No-7, Ps-
Sheohar Dist- Sheohar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-01-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Complaint Case No. 184 of 2023, disclosing
offences under Sections 420, 406, 467, 471 of the Indian Penal
Code and Section 138 of the N.I. Act.

3. As per the complaint, Rs. 20 lacs was demanded
from the complainant by the petitioner for construction of house
and assured to return the same. The complainant arranged Rs.
15 lacs for which the agreement was executed by the petitioner
assuring to return the money within six months. When the
money was not returned by the petitioner, the petitioner gave



cheque of Rs. 6,80,000/- to the complainant. The complainant presented the said cheque for encashment but the same was dishonoured.

4. Learned Counsel for the petitioner submits that the fact of the matter is that the petitioner had taken Rs. 2 lacs as a loan from the complainant out of which, the petitioner paid a sum of Rs. 1,20,000/- to the complainant in different dates and the remaining Rs. 80,000/- is outstanding. The petitioner is ready to pay Rs. 80,000/- to the complainant subject to the final outcome of the complaint petition. The offence alleged against the petitioner under Section 138 of the N.I. Act is bailable.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the present complaint arises out of money transaction and the petitioner is ready to pay Rs. 80,000/- to the complainant subject to the final outcome of the complaint and the offence under Section 138 of the N.I. Act is bailable, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released 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 Judicial Magistrate 1st Class, Sheohar, in connection with Complaint Case No. 184 of 2023, subject to the condition:-

(i) Laid down under Section 438 (2) of the Code of Criminal Procedure.

(ii) That he will pay Rs. 80,000/- to the complainant within three months. The first installment of Rs. 25,000/- shall be paid by the petitioner at the time of furnishing bail bond.

8. It is made clear that if the complainant refuses to accept the money, the same shall be deposited by the petitioner before the concerned Court.

(Anil Kumar Sinha, J)

HarshPandey/-

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