

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2616 of 2025

Arising Out of PS. Case No.-1707 Year-2017 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Sandeep Kumar Kushwaha S/o Abhimanyu Kushwaha @ Abhimanyu Singh
@ Abhimanyu Bhagat R/o Village- Tikri, P.S.- Hussainganj, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Ashok Kumar Tiwari S/o Late Kailash Tiwari R/o Village/At Rajiv Nagar, Gaoshala Road, Siwan, P.S.- Siwan Mufassil (Mahadeva O.P.), District- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Javed Aslam, Adv.
For the State	:	Mr. Dr. Ajeet Kumar, APP
For the Complainant	:	Mr. Kamala Kant Tiwary, Adv.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 24-07-2025 Heard learned counsel for the petitioner, learned APP for the State and learned counsel appearing for the complainant.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 1707 of 2017 registered for the offences punishable under Section 406 of the Indian Penal Code and Section 138 of the N.I. Act.

3. The allegation against the petitioner in the complaint is of committing criminal breach of trust as the payment in lieu of the machines was not paid as the petitioner had taken money to the tune of Rs. 15,00,000/- for business with the promise that he would make the payment @ Rs. 4,50,000/- per month, but the



same was not done.

4. Learned counsel for the petitioner submits that with almost the same allegations, the complainant had filed an FIR bearing Siwan Mufassil P.S. Case No. 203/2018 against the petitioner wherein he was granted the privilege of anticipatory bail (Annexure-4 to the present petition). It is further submitted that the present complaint was not in the knowledge of the petitioner or else there was no reason why he would not have prayed for bail in the present complaint case also.

5. Learned APP for the State and learned counsel appearing for the complainant, however, strongly oppose the prayer for anticipatory bail on the ground that all coercive processes including 82 Cr.P.C. and 83 Cr.P.C. have already been issued against the petitioner in the year 2023 and 2024, respectively while the complaint case is of the year 2017 and cognizance has been taken in the year 2018.

6. Considering the fact that although it is true that for almost similar allegations, the complainant has filed a subsequent FIR yet for the reason that the coercive processes including one under Section 83 Cr.P.C. has already been issued against the petitioner, I am not inclined to enlarge him on anticipatory bail. The prayer for anticipatory bail of the



petitioner is hereby rejected.

7. Accordingly, the application stands dismissed.

(Soni Shrivastava, J)

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