

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3073 of 2025

Arising Out of PS. Case No.-7824 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Satish Chandra Verma Son of Ishwar Chandra Verma Resident of Gauri
Shankar Complex, P.S. - Kankarbagh, District- Patna (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumar Son of Late Haribansh Singh Resident of Mohalla- Tilak Nagar,
Chitragupta Nagar, Beside Hanuman Temple, P.S.- Patrakar Nagar, District-
Patna (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akash Shankar, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 08-05-2025 1. Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel appearing on behalf of

the complainant.
2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Section 406 of the

Indian Penal Code and Section 138 of the Negotiable Instrument

Act.
3. Learned counsel for the petitioner submits that

petitioner is a person with clean antecedent and the complainant

alleges that he had given friendly loan of Rs.8 lakhs to the

petitioner in lieu whereof petitioner issued two cheques of Rs.2

lakhs and Rs.5 lakhs which on presentation for encashment

bounced.



4. Learned counsel appearing on behalf of the petitioner submits that from bare perusal of the allegation as alleged in the complaint, it would manifest that the complainant alleges that he had given Rs.8 lakhs by way of a loan to the petitioner for starting a business and in lieu whereof the petitioner had issued two cheques which on presentation for encashment bounced but then it is submitted that petitioner never took any loan from the complainant rather had given two blank cheques to the complainant for encashment for giving money to the middleman for securing the marriage of his daughter.

5. Learned counsel for the petitioner, thus, disputes that the cheque was given in lieu of any consideration. It is further submitted that the complainant has already instituted a case in which cognizance has been taken under Section 406 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act. It is next submitted that offence under Section 138 of the Negotiable Instrument Act is bailable and in the nature of allegation prima facie no offence under Section 406 of the Indian Penal Code is made out. It is also submitted that if the complainant is able to prove the case before the learned trial court in that event the petitioner will suffer the consequence but



if the complainant is not able to prove the case before the learned trial court whether it would be prudent for the Court to send the petitioner to jail at this stage.

6. Learned A.P.P. for the State and learned counsel appearing on behalf of the complainant opposed the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees 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 connection with Complaint Case No. 7824(C) of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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