

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6008 of 2026

Arising Out of PS. Case No.-12 Year-2024 Thana- BITHAN District- Samastipur

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Pawan Kumar S/o Late Narayan Kushwaha @ Ram Narayan Kushwaha R/o
Muhalla-Lalkothi Tatarpur, P.S.-Tatarpur, District-Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Yadav, Male, aged about 46 years, son of Sri Baleshwar Yadav,
resident of Sohama, P.S.- Bithan, District-Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Madhav Krishna, Advocate
For the Opposite Party/s	:	Mr.Navin Kumar Pandey, APP
For the Informant	:	Mr. Prabhat Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 07-05-2026 Heard Mr. Madhav Krishna, learned counsel

appearing on behalf of the petitioner and Mr. Navin Kumar

Pandey, learned APP for the State, as well as, Mr. Prabhat

Kumar, learned counsel appearing on behalf of Informant.

2. The petitioner seeks pre-arrest bail in connection
with Bithan P. S. Case No. 12 of 2024 under sections 419, 420,
467, 468, I.P.C. and 138 of the N.I. Act.

3. As per the allegation made in the FIR, the
informant alleged to have advanced Rs.13,00,000/- to petitioner,
Pawan Kumar, who later issued four cheques amounting to
Rs.10,00,000/- which, upon presentation, were dishonored due
to insufficient funds, and despite demand, the amount was not



repaid.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Learned counsel further submitted that the dispute is purely civil in nature arising out of contractual dealings relating to supply of HDPE pipes and fittings and the informant had taken blank signed cheques from the petitioner as security at the time of contract, which have subsequently been misused. The alleged agreement is a manufactured document and no offence under Sections 419, 420, 467 or 468 I.P.C. is made out against the petitioner. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. *Per contra*, learned counsel appearing on behalf of the Informant and learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and upon consideration of the materials available on record, it appears that the dispute between the parties have arisen out of business and contractual transactions relating to supply of materials and issuance of cheques. It further appears



that earlier mediation between the parties has already failed. The allegations primarily relate to non-payment arising out of alleged commercial dealings. The dispute *prima facie* appears to be civil in nature.

7. In this regard, I find it apt to take note of the observation made by the Apex Court in ***Paramjeet Batra vs. State of Uttarakhand***, reported in ***(2013) 11 SCC 673***, wherein it has been held that though a civil dispute may have a criminal texture, the Court must examine whether a dispute essentially civil in nature has been given a cloak of criminal offence and in such circumstances criminal proceedings should not be permitted to continue so as to prevent abuse of the process of the Court.

8. The aforesaid proposition has also been reiterated by the Hon'ble Supreme Court in ***S.N. Vijayalakshmi & Ors. vs. State of Karnataka & Anr.***, reported in ***2025 SCC OnLine SC 1575***.

9. This Court further finds that the Apex Court in case of ***Delhi Race Club (1940) Ltd. vs. State of Uttar Pradesh*** in ***Criminal Appeal No. 3114 of 2024*** has reiterated that in order to constitute offences under Sections 406 and 420 I.P.C., the essential ingredients including dishonest intention from the



inception and clear entrustment must be *prima facie* made out.

10. Considering the aforesaid facts and circumstances, and law laid down by the Apex Court as referred herein above, the nature of allegations and the fact that the dispute substantially appears to be civil in nature, I find that the parties may avail appropriate remedy before the competent Civil Court.

11. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned District Court where the case is pending in connection with Bithan P. S. Case No. 12 of 2024, subject to the condition as laid down under Section 482 of the BNSS//438(2) of the Cr.P.C. and on such terms and conditions as the learned District Court deems fit and proper.

12. The present application stands disposed of.

(Purnendu Singh, J)

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