

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19377 of 2026

Arising Out of PS. Case No.-8883 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Avinash Kumar @ Radhe Son of Anil Kumar Resident of village- Mauar lane,
Po- Mahendru, Ps- Sultanganj, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abhishek Kumar Son of Late Yamun Kumar Sahu @ Yamuna Kr. Sahu
Resident of village- Birla Mandir Road, Opp Church, Ps- Pirbahore, Dist-
Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-06-2026 1. Heard learned counsel for the petitioner, learned

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

of the O.P. No. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420,
379, 504, 506 and 120(B) of the Indian Penal Code read with
Section 138 of NI Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and the informant alleges
that Ajay and Shweta are known to him as they are related to his
wife, further they brought petitioner with whom an agreement
was entered and in pursuance whereof an amount of Rs.



3,20,000/- was given to petitioner on 06.09.2017, thereafter an amount of Rs. 1,20,000/- was transferred in petitioner's SBI account and Rs. 2 Lakhs was transferred in the bank account of Ajay, it is next alleged that Rs. 3,20,000/- was received by the petitioner in presence of Shweta and Ajay, further two cheques of Rs. 1,50,000/- and Rs. 1,70,000/- was given by petitioner to the complainant with an assurance to present the cheques for encashment, if an amount of Rs. 3,20,000/- is not paid till 26.02.2018 in cash, thereafter again an agreement was entered in between the petitioner and complainant and cheques, as recorded in the complaint petition, was given by petitioner to the complainant, but the cheque on presentation for encashment for an amount of Rs. 6,30,000/- bounced, accordingly, it is alleged that petitioner cheated him of Rs. 11,30,000/.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant, it is further submitted that even presuming what has been alleged is true without admitting then the petitioner would be held liable for bouncing of the cheque issued by him for which a complaint case already has been filed in which cognizance has been taken under Section 138 of the NI Act read with Section 420 of the IPC. It is also submitted that in the event



if the complaint case is dismissed and the petitioner at this stage is sent to judicial custody whether the same would amount to travesty of justice or not. It is next submitted that petitioner will contest the complaint case before the learned Trial Court, but since cognizance has been taken under Section 420 IPC also, hence, petitioner apprehends arrest. It is also submitted that in the event if the complaint case is allowed, the petitioner will have no option but to pay the amount or to serve the sentence. It is next submitted that in the complaint, it is falsely alleged that petitioner cheated complainant of Rs. 11,30,000/- when the cheque alleged to have been issued is of Rs. 6,30,000/-. It is also submitted that had the complainant been cheated of Rs. 11,30,000/-, in that event the complainant would have filed a separate money suit for recovering the rest of the amount apart from Rs. 6,30,000/-. It is also submitted that if privilege of anticipatory bail is granted, the petitioner will not abscond rather will cooperate in the trial to prove his innocence.

5. Learned A.P.P. for the State as well as the learned counsel appearing on behalf of the complainant opposes the anticipatory bail application of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender 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 trial court where the case is pending/successor court in connection with Complaint Case No. 8883(c) of 2022 subject to the conditions as laid down under Section 482 (2) of BNSS.

7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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