IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46079 of 2026

CNR No. BRHC010570482026

Arising Out of PS. Case No.-106 Year-2021 Thana- BUXAR District- Buxar

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1. Ajay Singh S/O Markandey Singh R/O Village- Nadaon, P.S.- Buxar Muffasil, Distt.- Buxar.
2. Sunil Kumar Verma S/O Bansidhar Verma R/O Village- Hanuman Fatak, P.S- Buxar Town, Distt.- Buxar.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Santosh Kumar Singh S/O Surendra Pratap Singh R/O Village- C/15, Andustrial Area, P.s.- Buxar (Ind), Distt.- Buxar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Krityanand Jha, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 27-10-2026 Heard Mr. Krityanand Jha, learned Advocate for the petitioners and the learned Additional Public Prosecutor for the State.

2. Despite the notice having been served upon the opposite party no. 2 through his family members, there is none to represent.

3. The petitioners are apprehending their arrest in connection with Buxar (Town) P.S. Case No. 106 of 2021, registered for the offences punishable under Sections 420, 406 and 34 of the I.P.C. and Section 138 of the N.I. Act.

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4. Based on the complaint case, the present FIR was instituted against the petitioners with the allegation that the informant had given Rs. 7,45,000/- to both the petitioners in December 2015, but they did not return the money despite having promised to do so. The cheques furnished by petitioner no. 1 for Rs. 2,50,000/- and Rs. 4,00,000/-, respectively, were dishonoured by the bank upon presentation. It is also alleged that petitioner no. 2 had similarly issued a cheque for Rs. 75,000/-, which also stood dishonoured due to insufficient balance, leading to the institution of Buxar (Industrial) P.S. Case No. 72 of 2017. It is further alleged that, after coming to know about the institution of the FIR, petitioner no. 1 again issued a cheque for Rs. 3,00,000/-, but the same met with a similar fate and was dishonoured by the bank due to insufficient funds.

5. Learned Advocate for the petitioners submitted that, to their utter surprise, in respect of an occurrence which took place long back in the years 2017 and 2018, the complaint case was filed on 04.05.2018 and was subsequently sent to the concerned police station under Section 156(3) of the Cr.P.C., pursuant to which the formal FIR was registered in the year 2021. It is further contended that, at no point of time, was any notice issued to the petitioners. It is also submitted that, in

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respect of similar allegations, the informant had earlier instituted Buxar (Industrial) P.S. Case No. 72 of 2017 concerning the same cheques mentioned in the present case, and, therefore, two separate cases could not be instituted in respect of the same occurrence. The petitioners were released on bonds under Section 41(1) of the Cr.P.C. during the course of the investigation. However, once the learned court took cognizance of the offences under Sections 420 and 406/34 of the Indian Penal Code and Section 138 of the N.I. Act, the necessity arose to file the present anticipatory bail application.

6. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that the petitioner was evading his arrest for the last several years despite knowing the factum of lodging of the FIR.

7. Considering the rival submissions advanced by learned Advocates for the respective parties and taking note of the materials available on record, especially the fact that the informant had earlier lodged Buxar (Industrial) P.S. Case No. 72 of 2017 for the same cause of action and that the petitioners were extended the privilege of Section 41(1) of the Cr.P.C. during the course of the investigation, let the petitioners above named be released on bail, in the event of their arrest or

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surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Buxar (Town) P.S. Case No. 106 of 2021, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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