

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40787 of 2026

Arising Out of PS. Case No.-1984 Year-2025 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Nirmal Kumar Son of Bhagwan Yadav @ Bhagwan Rai, Resident of
Akluchak, P.O.- Jamsaut, P.S.- Shahpur, District- Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Anil Kumar Rai Son of Late Deo Raj Rai Resident of Mohalla- Bans Ghat,
P.S.- Budha Colony, District- Patna

... .. Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP
For the Complainant/OP No.2: Mr. Pranay Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State duly

assisted by learned counsel appearing for the complainant.

2. The accused/petitioner is named in the

complaint and apprehending his arrest in connection with

Complaint Case No.1984(C) of 2025 in which cognizance

has been taken under Sections 318(4) of the Bhartiya Nyaya

Sanhita, 2023 (in short 'B.N.S.') and Section 138 of the

Negotiable Instruments Act (in short 'N.I. Act').

3. As per complaint case, the cheque issued by the

petitioner in favour of complainant for a sum of Rs.20 lakhs



on presentation before the bank was dishonoured, which was given to the complainant in connection with deal of a piece of land, the description of which, is available in complaint petition itself.

4. It is submitted by learned counsel appearing for petitioner that primarily the issue related with dishonour of cheque. It is submitted by learned counsel that the petitioner is otherwise desirous to settle the issue with the complainant but, as the cognizance was also taken for the offence under Section 318(4) of the BNS corresponding to Section 420 of the IPC, which is is non-bailable in nature, he could not surrender before the learned trial court.

5. It is argued further that the factual aspects of this case is not suggesting that the petitioner was under intention to cheat the complainant from very inception of the deal, as if it was so, then the petitioner would not issue the cheque in favour of the complainant. It is pointed out that due to financial hardship, the cheque was dishonoured and, as such, it can not be said that he was under intention to cheat the complainant. The petitioner claimed clean



antecedent.

6. Learned APP duly assisted by Mr. Pranay Kumar, learned counsel appearing for the complainant while opposing the prayer of bail submitted that the complainant is also ready to settle the issue and differences with petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as primarily the issue is related with dishonour of cheque i.e. a *prima facie* case for the offence punishable under Section 138 of the N.I. Act, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Court No.1, Patna in connection with C.A. Case No.1984(C) of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short 'CrPC')/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS').



8. However, the learned trial court is directed to explore the possibilities of compromise and also to settle the issue in earliest possible manner in view of agreement of the parties, as submitted aforesaid.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

