

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51059 of 2024

Arising Out of PS. Case No.-749 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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Anil Kumar Son Of Ram Pukar Singh Village- Charkawan, Uppardih, P.S.-
Rafiganj, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bhola Kumar Son of Awadhesh Kumar Sinha R/o Village- Charkawa,
Nichlidi, P.S.- Rafiganj, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Adv.
For the Opposite Party/s	:	Mr. Nand Kishore Prasad, Adv.
For the Informant	:	Mrs. Rabia Gulnaz, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 02-02-2026 Heard the parties.

2. The petitioner is named in the complaint case and apprehending his arrest in connection with Gaya Complaint Case No. 749 of 2018 registered for the offences punishable under Sections 420/ 406 of IPC and Section 138 of NI Act

3. As per complaint, the cheque as issued by petitioner for sum of Rs. 4 lakh was dishonored which was issued in connection with land deal against Rs. 63 lakh but was never paid to the complainant against execution



of sale deed.

4. It is submitted by learned counsel appearing on behalf of the petitioner that dispute between the parties primarily appears civil in nature. It is submitted that parties are well acquainted with each other. Mr. Ravindra Kumar made a statement at bar that the amount in issue for execution of sale deed in favor of petitioner have already been paid to the complainant/ vendor. It is pointed out that petitioner even ready to pay the interim protection to the complainant in terms of Section 143(A) of NI Act. While concluding arguments, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP duly assisted by Mrs. Rabia Gulnaz learned counsel for the informant while opposing the prayer of bail submitted that the petitioner failed to appear before learned trial court and therefore, proceedings under Section 82 of Cr.P.C. was initiated against him. It is submitted that in view of fact as proceeding under Section 82 of Cr.P.C. initiated against



petitioner the prayer of anticipatory bail is not maintainable. However, she conceded that in terms of order dated 28.08.2024 as passed by one of the learned co-ordinate Bench of this Court in this matter this petitioner was given interim protection and same was referred to mediation center of the High Court where the dispute finally could not redressed.

6. Taking note of aforesaid submission, it is submitted by learned counsel for the petitioner as dispute is civil in nature and there is no absolute bar, prayer of anticipatory bail even after initiation of Section 82 of Cr.P.C., is maintainable in interest of justice. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Asha Dubey vs. State of Madhya Pradesh*** reported in ***2024 SCC OnLine SC 5633***.

7. In view of aforesaid factual submission and by taking note of fact as dispute between the parties primarily civil in nature arising out of land dispute,



accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM VIII, Gaya /concerned Court, where the case is pending in connection with Gaya Complaint Case No. 749 of 2018 , subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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