

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53584 of 2024

Arising Out of PS. Case No.-1027 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Guddu Rai Son of Late Sanchit Rai @ Lacchu R/V- Jivrakhan Tola, P.S.-
Maner, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Singh S/o Shri Basudev Singh Village-Daudpur, P.O.- Daudpur,
P.S.- Shahpur , Distt.- Patna (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Md. Helal Ahmad, Adv. Mr. Md. Ejaz Akhter, Adv.
For the Opposite Party/s :		Mr. Rahul Kumar, Adv. Mr. Bijay Kumar Pathak, Adv. Mr. Shambhu Sharan, Adv. Mr. Nagendra Kumar Singh, Adv. Ms. Usha Kumari Singh, Adv. Ms. Sunidhi Vimal, Adv.
For the State	:	Mr.Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT

Date : 18-02-2026

Heard learned counsel for the petitioner, learned
counsel for the O.P. No. 2 and learned A.P.P. for the State.

2. The petitioner has made the following prayer in this
application :-

*“That this application on behalf of the
petitioner above named, is for quashing of
part of conditional order dated 11.09.2023
and consequential order dated 04.01.2024
passed in Complaint Case No.*



1027(C)/2021 dated 08.10.2021 by learned Judicial Magistrate, Fast Court, Danapur, whereby the petitioner released on bail with a condition of payment of 20 percent of Rs. 35 Lacs within three months period and during pendency of this case stay the coercive action taken against the petitioner in Complaint Case No. 1027 (C)/ 2021 pending before the learned Judicial Magistrate, Fast Court, Danapur, Patna.”

3. Having heard the learned counsel for the parties and perused the record, it is evident that the order dated 11.09.2023 was passed granting bail to the petitioner, however, the Court had imposed the condition that the petitioner shall be depositing 20 percent of Rs. 35 lacs within the period of three months. Such direction, to the understanding of this Court, would amount to passing an order under Section 143A of the N.I. Act which is separate proceeding in itself. This Court finds that imposing such condition at the time of grant of bail would amount to abuse of the process of law especially the fact that there is a special provision within the Negotiable Instrument Act for payment of interim compensation during the pendency of the



application.

4. In view of the aforesaid settled proposition of law as observed by the Hon'ble Supreme Court in the case of ***Rakesh Ranjan Srivastava vs. State of Jharkhand & Anr., reported 2024(4) SCC 419***, in paragraph 16, has observed as under :

“16. When the court deals with an application under Section 143A of the N.I. Act, the Court will have to prima facie evaluate the merits of the case made out by the complainant and the merits of the defence pleaded by the accused in the reply to the application under sub-section (1) of Section 143A. The presumption under Section 139 of the N.I. Act, by itself, is no ground to direct the payment of interim compensation. The reason is that the presumption is rebuttable. The question of applying the presumption will arise at the trial. Only if the complainant makes out a prima facie case, a direction can be issued to pay interim compensation. At this stage, the fact that the accused is in financial distress can also be a



consideration. Even if the Court concludes that a case is made out for grant of interim compensation, the Court will have to apply its mind to the quantum of interim compensation to be granted. Even at this stage, the Court will have to consider various factors such as the nature of the transaction, the relationship, if any, between the accused and the complainant and the paying capacity of the accused. If the defence of the accused is found to be prima facie a plausible defence, the Court may exercise discretion in refusing to grant interim compensation. We may note that the factors required to be considered, which we have set out above, are not exhaustive. There could be several other factors in the facts of a given case, such as, the pendency of a civil suit, etc. While deciding the prayer made under Section 143A, the Court must record brief reasons indicating consideration of all the relevant factors”

5. In view of the aforesaid facts and circumstances



and the judicial pronouncement, the order dated 11.09.2023 passed in Complaint Case No. 1027(C)/2021 as far as the condition of payment of 20 percent of the amount of the cheque stands quashed. The O.P. No. 2 shall be at liberty to file a separate application under Section 143A N.I. Act for grant of interim compensation. Any consequential order passed pursuant to order dated 11.09.2023 shall also stand quashed.

6. The application stands allowed.

(Sourendra Pandey, J)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.02.2026
Transmission Date	23.02.2026

