

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69347 of 2024

Arising Out of PS. Case No.-1564 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Manju Devi W/o- Gopal Prasad R/o- Imalital near post office PS- Danapur
District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asha Devi Wife of Om Prakash Lal Moh- Imalital in front of Arya Samaj
Mandir, Ps- Danapur Dist- Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Satyapal Singh

For the Opposite Party/s : Mr.Raj Ballabh Singh

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-02-2026 Heard the parties.

2. The petitioner is named in the Complaint case
and apprehending his arrest in connection with Complaint
Case No. 1564C of 2019 registered for the offences
punishable under Section 406 of IPC.

3. As per complaint, petitioner failed to return
Rs. 2 lakh within time which was taken as a loan from
complainant and also when to settle the loan account
when complainant was given a cheque of Rs. 2 lakh by
petitioner same was also dishonored upon presentation



before the bank.

4. It is submitted by learned counsel appearing on behalf of the petitioner that as per complaint the matter appears civil in nature, as same appears related with recovery of loan. It is submitted that admittedly Rs. 2 lakh was given as a loan. It is pointed out that the intention of petitioner cannot be said bad as the cheque for amount of Rs. 2 lakh was given which due to some financial hardship could not honored and this fact was orally communicated to complainant. It is submitted that without compliance of Section 142 of Cr.P.C. the present complaint was filed under Section 138 of NI Act and therefore learned Jurisdictional Magistrate took cognizance under Section 406 of IPC only. It is submitted that as per material available on record this is not even a case for Section 406 of IPC as admittedly the amount in issue was given as loan.

5. Learned APP opposes the prayer of bail.

6. None appeared on behalf of complainant.



7. In view of aforesaid factual submission and by taking note of fact as dispute primarily appears civil in nature as same appears related to recovery of loan, 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, Danapur, Patna /concerned Court, where the case is pending in connection with Complaint Case No. 1564C of 2019, 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)

S.Tripathi/-

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

