

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72036 of 2025

Arising Out of PS. Case No.-1289 Year-2023 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

=====

Nayan Kumar Son of Jawahar Singh Ward No.- 09, R/o village - Pothiya Near
Primary Vidhalya, P.O.- Jotha, P.S.- Dhouraia, Dist.- Banka 813109 at present
Address Keshav Bhawan Mohalla aliganj, P.S.- Babarganj, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Gayatri Sharma Wife of Rajeev Ranjan Sharma Resident of village -
Sakunullachak, P.S.- Babbarganj, District - Bhagalpur.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Sharma
For the Opposite Party/s : Mr.Kalyan Shankar

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-04-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 420, 34 of the Indian
Penal Code.

3. Learned counsel for the petitioner submits that
from perusal of the office report dated 16.01.2026, it would
manifest that ordinary notice has been received by the O.P. No.2
but then O.P. No.2 despite receiving notice, chose not to appear
and contest, it is next submitted that petitioner is a person with
clean antecedent and informant alleges that petitioner was
student of her brother and took Rs. 5 lakhs in name of selling



land, but it was found that there was no land for which money was taken, hence money was demanded back on which petitioner issued a cheque which on presentation for encashment bounced.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has falsely been implicated in the instant case by the complainant. It is further submitted that from perusal of the compliant, it would manifest that the same does not disclose the khata, khesra number of the land which the complainant intended to purchase for which she was approached by the petitioner, it is next submitted that though in the F.I.R., it is alleged that the petitioner duped the complainant of Rs.5 lakhs but then petitioner had taken a loan of Rs.1 lakh from the complainant and accordingly had issued cheque which on presentation for encashment bounced but then offence under the N.I. Act is bailable, it is further submitted that in order to give seriousness to the case, false allegation is alleged that petitioner on pretext of selling land duped the complainant of Rs. 5 lakhs. It is further submitted that this perhaps explain why O.P. No.2 despite receiving notice chooses not to appear and contest, it is also submitted that if petitioner in the trial in the case relating to



N.I. Act is convicted, he will face the consequences.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, I am inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, as named above, in the event of his arrest or surrender within four weeks from today, be enlarged 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 Judicial Magistrate, Ist Class, Bhagalpur, in connection with Complaint Case No.1289/2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Satyavrat Verma, J)

sanjeev/-

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

