

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87035 of 2025

Arising Out of PS. Case No.-198 Year-2023 Thana- COMPLAINT CASE - PATNA CITY
District- Patna

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Vijay Kumar Singh S/o Late Prabhu Singh Resident of - B-1204, Gardenia Grace Apartment, Plot no. E 16A, Sector 61, Noida, Gautam Budha Nagar, Uttar Pradesh, P.S - Sector 58, Noida, District - Noida (U.P)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar Yadav S/o Late Ramdev Yadav Resident of - Mahatma Gandhi Nagar, Kanti Factory Morh, P.S - Agamkuan, District - Patna

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mrs.Namrata Mishra, Sr. Advocate
Ms.Archana Jha, Advocate
Ms.Anamika Kumari, Advocate
For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioner and learned

APP for the State.

2. The accused-petitioner, named in the Complaint, is apprehending his arrest in connection with Complaint Case No. 198 of 2023 registered for the offences punishable under Sections 420 of the Indian Penal Code and Section 138 of the N.I. Act.

3. As per Complaint, three cheques amounting to Rs. 38 Lakhs were issued by the petitioner and other accused persons to the complainant in terms of rent agreement, where



two cheques of Rs. 16 Lakhs each got dishonoured due to insufficient balance.

4. Mrs. Namrata Mishra, learned senior counsel appearing on behalf of the petitioner submitted that petitioner, who was the director of M/s Zenovia Healthcare Private Limited, Kankarbagh Main Road, Patna, resigned from his post through Company resolution dated 19th March, 2025.

5. It is submitted that as per resolution, the petitioner was discharged from all the liabilities, debts and dues as on the date of the company being director (**Annexure P/4**). It is submitted that agreement was executed on behalf of the company i.e. M/s Zenovia Healthcare Private Limited, who took property of the complainant on rent.

6. It is submitted that due to hardship arising out of Covid-19 situation, the rent was not paid by the company.

7. Arguing further, it is submitted by Mrs. Mishra that despite the agreement was with the company and the cheque in issue was drawn on behalf of the company, the company not appears implicated with the present complaint case and, therefore, on this score also, the complaint is also not



convincing under the law. In support of her submission, Mrs. Mishra relied upon the legal report of Hon'ble Supreme Court as available through **R. Kalyani Vs. Janak C. Mehta and Ors** reported in **(2009) 1 SCC 516**.

8. Mrs. Mishra further submitted that beside the aforesaid complaint, complainant also filed recovery suit for rent which is pending before the court of Sub-Judge, Patna City, Patna. Petitioner claimed clean antecedent.

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

10. In view of the aforesaid factual submissions and by taking note of the fact as dispute primarily appears civil in nature and, moreover, for the alleged recovery civil suit also appears pending between the parties, coupled with the fact that petitioner resigned from the post of Director of the company in issue in the month of March, 2025, where his entire liabilities, debts and dues on behalf of the company appears to be discharged, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on



bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna City/concerned court in connection with Complaint Case No. 198 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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