

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89313 of 2025

Arising Out of PS. Case No.-1678 Year-2016 Thana- GAYA COMPLAINT CASE District-
Gaya

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Mukesh Kumar Son of Late Vijay Prasad @ Vijay Kumar Resident of
Mohalla- K.P. Road Chowk in front of United Bank Upper floor of Pramod
Laddu Shop, P.S.- Kotwali, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Zahid Son of Gulam Rabbani Resident of Mohalla- Nadraganj
Baradaha, P.S.- Civil Lines, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ujjawal Kumar Singh, Advocate
For the Opposite Party/s : Mr.Amitesh Kumar, 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. 1678 of 2016 registered for the offences punishable

under Sections 406 of the Indian Penal Code and section 138

of the N.I. Act.

3. As per Complaint, petitioner alleged to take loan of

Rs. Six Lakhs from the complainant but same was not

returned within stipulated period of time.

4. Learned counsel appearing on behalf of the



petitioner submitted that allegation as raised through complaint not appears convincing and reliable for the reason that same not appears supported through affidavit. It is submitted that petitioner never received any such loan from the complainant and the allegation raised only due to business rivalry.

5. It is submitted therefore that the legality of allegation *prima facie* appears questionable in view of legal report of Hon'ble Supreme Court as available through **Priyanka Srivastava Vs. State of Uttar Pradesh [2015 (6) SCC 287]**. Petitioner claimed clean antecedent.

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

7. In view of the aforesaid factual submissions and by taking note of the fact as as dispute primarily appears civil in nature where implication appears arising out of none return of loan amount within stipulated period of time to the complainant, accordingly, above-named petitioner, who is a man of clean antecedent, 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 Judicial Magistrate - 1st Class,
Gaya Ji/concerned court in connection with Complaint Case
No. 1678 of 2016, 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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