

IN THE COURT OF SESSIONS JUDGE, BANKA

Anticipatory Bail Petition No. 46 of 2026

Date of filing : 09.01.2026

Date of order : 25.03.2026

1. Binod Kumar Thakur, aged about 47 years, son of late Chhabilal Thakur

2. Suresh Kumar Thakur, aged about 65 years, son of late Chhabilal Thakur, both residents of village-Lilagora, P.S.-Banka, District-Bnka

..... Petitioners

-Versus-

State of Bihar

.....Opposite Party

Present : - Sri S. Thakur, Advocate for the Petitioners

Sri Hira Lal Singh, Public Prosecutor for the State

ORDER

1. Apprehending arrest the petitioners have preferred this pre-arrest bail application who are booked in Complaint Case No. 591 of 2023 for the offence allegedly committed under Section 420 of IPC.

2. The case of prosecution is engendered upon a private complaint filed by one Manoj Kumar Yadav with the allegations that the complainant and accused were having good friend relationship and for that reason the accused took Rs. 3 lakh on 17.01.2020 from the complainant by an agreement that he will return the amount within six months. When he did not return, the complainant asked for his money upon which the accused issued a cheque on 04.02.2023 for Rs. 1,00,000/- by Binod Kumar Thakur from the Canra Bank and another cheque for Rs. 2.5 lakh from the Axis Bank. When the complainant presented both the said cheques for encashment to his bank, both dishonored for want of funds.

3. Learned trial court after going through the preliminary evidence took cognizance but the accused did not appear before the court upon which the learned trial court issued process under Section of 82 CrPC against the

accused/petitioners.

4. *In oral arguments, learned counsel for the petitioner submitted that he has never received any summons or intimation from the learned trial court.*

5. *In counter, learned Public Prosecutor stoutly opposed the bail application on the ground that once the process under Section 82 CrPC has been issued, the anticipatory bail petition is not maintainable.*

6. *Heard rival submissions and perused the record. Firstly, the case is pending before the learned trial court since 2023 and the accused/petitioners are playing hide and seek from the process of the court and only upon issuance of process under Section 82 of CrPC, they have woke up. Even otherwise, the accused/petitioners have knowingly and willingly not arrayed the complainant as party to this petition, therefore, the pre-arrest bail petition is dismissed.*

7. *File be consigned to the record room and that of trial court be sent back with a copy of this order.*

(Dictated)

(Satya Bhushan Arya)
Sessions Judge, Banka
25.03.2026