

**In the Court of Sessions Judge, Madhepura.**  
**A.B.P. No. 146/2026**  
**( Arising out of Complaint Case No. 745 of 2018)**

**1. Birendra Paswan S/o Alam Kishore,**  
**Resident of village – Soudagar Tola Paswan, Post - Bhaddi, Gram**  
**Panchayat - Jamhara, P.S. - Sour Bazaar, District – Saharsa.**

.....**Petitioner.**

**Versus**

**The State of Bihar**

.....**Opposite Party.**

09.

15.04.2026

ORDER

This application for anticipatory bail filed under section 482 BNSS on behalf of the petitioner Birendra Paswan, who is apprehending his arrest in connection with Complaint Case No. 745 of 2018 under Sections 138 of the N. I. Act, is pressed today for hearing.

Heard Sri Sanjeev Kumar, learned counsel appearing on behalf of the above named petitioner and Sri Bibeka Kumar Singh, learned P.P. appearing on behalf of the State of Bihar as well as Sri Naresh Kumar Sinha, learned counsel appearing on behalf of the complainant Jitendra Kumar.

According to complaint petition, the basis allegation is that the petitioner was acquainted with the complainant from before, The petitioner influenced the complainant and got him in his confidence. The petitioner demanded Rs. 60,000/- from the complainant as loan in the year, 2025 for some urgent need. The petitioner assured the complainant to return the same at once. The complainant paid Rs. 60,000/- to the petitioner without preparing any document. It is further alleged that when the petitioner did not return the aforesaid loan amount to the complainant within stipulated period then the complainant requested the petitioner to return the money but the petitioner did not return the money. The complainant held a panchayat and on 05.09.2015 in the panchayat the petitioner accepted to pay the aforesaid amount to the complainant. On 06.09.2015 when the complainant went to the house of the petitioner to take the money then the petitioner gave a cheque of State Bank of India, Dhabouli Branch, Saharsa to the complaint instead of giving cash amount but when that cheque did not encash then on 29.09.2015 the petitioner gave another cheque of Rs. 55,000/- to the complainant and the petitioner stated that he will pay Rs. 5,000/- to the complainant separately. It is further alleged that when the complainant went to the concerned Bank along with the cheque then the Bank returned the cheque to the complainant saying insufficient amount in the account of the petitioner and to this extent the Bank gave a certificate to the complainant. It is further alleged

**Continue.....**

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**Contd.....**

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that on 12.10.2026 the complainant sent a legal notice to the petitioner but after expiry of 15 days the petitioner did not return the money to the complainant. The petitioner cheated the complainant on the name of taking loan of Rs. 60,000/- and on demand the petitioner has given cheque of Rs. 60,000/- to the complainant having no sufficient amount in the account of the petitioner in order to commit cheat and fraud with the complainant.

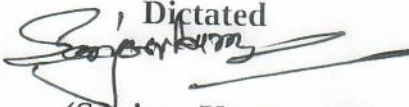
The learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has committed no offence. It is further submitted on behalf of the petitioner that today the petitioner has paid Rs. 60,000/- to the complainant and the complainant has already received that amount and the complainant has put his signature on the margin of the order-sheet regarding receipt of Rs. 60,000/- from the petitioner in the court in presence of his learned counsel.

The learned Public Prosecutor appearing on behalf of the State opposed prayer for anticipatory bail of the petitioner.

The learned counsel for the complainant conceded that the complainant has received loan amount of Rs. 60,000/- from the petitioner in his presence before the court.

Perused the record. The complainant Jitendra Kumar instituted a complaint case under sections 420, 406 I.P.C. and 138 N.I.Act against accused Birendra Paswan for the alleged default of cheque amount of Rs. 60,000/- issued to the complainant by the accused vide cheque No. 32679147478 dated 06.09.2018. The learned court below passed the summoning order vide order dated 01.03.2019 u/s 138 of N.I. Act. In the meantime good sense prevailed between the parties. The complainant received Rs. 60,000/- on dated 15.04.2026 in the court. The complainant made endorsement regarding receipt of amount in the margin of the order-sheet.

Having considered the joint compromise and the receipt of admitted dues by the complainant, the anticipatory bail application is disposed off with direction to accused petitioner to surrender in the court below within 15 days, from the receipt of this order. The court below shall consider the prayer for regular bail of the accused petitioner Birendra Paswan as offence u/s 138 Negotiable Instrument Act is bailable one.

  
Dictated  
(Sanjeev Kumar - II)  
I/C Sessions Judge, Madhepura.