

In the Court of Additional Sessions Judge-V, Muzaffarpur

Anticipatory Bail Petition No. 912/2026

(Arising out of Ahiyapur P. S. Case No. 1635/2025)

In the matter of:

1. Sunny Kumar S/o Shivbachan Prasad, aged about 32 yrs,
Resident of Village- Dhangai, Ward No. - 09, P. S.- Bikramganj, District -
Rohtas

.....Petitioner

Versus

State of Bihar

:

..... Opposite Party

Appearance(s)

Counsel for the Petitioner(s)

: Kamlesh Kumar, Advocate,
Mukesh Kumar, Advocate
Manoranjan Kumar, Advocate

Counsel for the State

: Sadhusaran Prasad, Addl. PP.

Present: Suman Kumar Divakar
Bihar Superior Judicial Service

Order

15-04-2026

1. The Petitioner is praying for anticipatory bail in connection with Ahiyapur P. S. Case No. 1635/2025 registered for the offences under section 318(4), 316(2) of Bhartiya Nyay Sanhita, 2023 (hereinafter referred to as 'BNS' for short) and Section 138 of Negotiable Instrument Act, 1881.
2. Briefly stated, the allegation against the petitioner is that he had taken Rs. 3,50,000/- from the Informant for investing in business. At the same time, the petitioner gave two undated cheque amounting Rs. 3,50,000/- in total. It is further alleged that the said cheques get dishonoured for insufficient funds.
3. Learned Counsel for the petitioner submits that the present case is purely of civil nature and with regard to cheque bouncing, there is legal remedy provided under the Negotiable Instrument Act. But in any case, the present case is nothing but misuse of criminal process of the law. The petitioner has clean antecedent. In this backdrop, he prays for anticipatory bail.
4. Learned Additional Public Prosecutor has made opposed prayer so made on behalf of the petitioner.

5. Heard the parties. Considered the submission. Perused the material on record including case diary. It appears from the FIR it was conscious transaction between the Informant and the Petitioner. There appears to be absence of an element of dishonest intention at the time of transaction. So far as cheque bouncing is concerned, Section 138 of the Negotiable Instrument Act provides detail procedure for redressing such situation. In the given set of facts, I am inclined to extend the petitioner the pre-arrest bail. In the result, the present petition stands **allowed**.
6. It is ordered that the petitioner would be released on bail on furnishing bail bonds of Rs. 10,000/- of two sureties of the like amount each to the satisfaction of learned Court concerned. Further, the conditions as stipulated under section 482(2) BNSS.

(Suman Kumar Divakar)
Additional Sessions Judge-V
Muzaffarpur

Date of Judgement/Order	15.04.2026
Date of reserving Judgement/Order	15.04.2026
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