

COURT OF 3rd DISTRICT & ADDITIONAL SESSIONS JUDGE, MUZAFFARPUR
{A.B.P. No. 1355/2026}
(Arising Out of Complaint Case No. 961/2019)

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Ritesh Kumar, aged about- 55 years, S/o- Late Bhagwan Singh;
R/o- Mohalla- Jalalpur Dayal, P.S.- Saraiya,
Distt.- MuzaffarpurPetitioner.

Vs.

State of Bihar.....Opposite Party.

ORDER

23.05.2026. Instant application for grant of anticipatory bail has been filed on behalf of petitioner named above who apprehends his arrest in connection with Complaint Case No. 961/2019 in which summons has been issued against the petitioner for the offences punishable U/ss. 420 of I.P.C. & 138 of N.I. Act

Heard Mr. Umesh Kumar Singh, learned advocate for the petitioner as well as Ms. Sangita Sahi, learned Addl. P.P. for the State.

Prosecution case, according to the complaint petition, in brief, is that co-accused Sudhir Kumar approached complainant and offered to purchase her land which was accepted by the complainant. It was agreed that complainant would execute sale-deed of her one acre 73.5 decimal land in consideration of Rs. 75 lakhs and on the day of execution of sale-deed, complainant would be given post dated cheque of March 2019 of the consideration amount. Believing the statements of co-accused Sudhir Kumar, complainant executed sale-deed of her land on 31.03.2017 in favour of co-accused Sudhir Kumar, his wife Priyanka Singh, Sanjeet Kumar and this petitioner and on the same date co-accused Sudhir Kumar delivered her two post dated cheques: one of Rs. 15,00,000/- (fifteen lakhs) and another of Rs. 25,00,000/- (twenty five lakhs). Further case of the prosecution is that these cheques was not honoured by the Bank as signature of the drawer differed. Hence, this complaint.

Learned advocate for the petitioner has submitted that petitioner is quite innocent. He has no criminal history and no bail petition has been filed earlier on his behalf before either this court or the Hon'ble High Court, Patna. Allegation against him is totally false. Petitioner paid total consideration amount to the complainant of his share. Ld. Advocate has also referred the judgment of the Supreme Court passed in Asha Dubey Vs. State of Madhya Pradesh in support of his contention that it is not as if in all cases of proclamation U/s 82 of Cr.P.C. there will be total embargo on considering application for grant of anticipatory bail. According to him, no process has ever been served upon petitioner. Hence, he may be granted anticipatory bail.

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Learned Addl. P.P. for the state as well as learned advocate for the informant has vehemently opposed the prayer for anticipatory bail.

After hearing learned advocates from both sides, this court perused the certified copy of complaint petition, copies of documents filed on behalf of both sides and trial court record and then finds that the main allegation is against co-accused Sudhir Kumar. The petitioner has neither issued cheque to the complainant nor has he negotiated with the complainant initially for purchase of her land. Moreover, offences in which process against the petitioner has been issued is punishable with 7 years of imprisonment. So, considering the above facts, this court is inclined to grant petitioner anticipatory bail.

Accordingly, in the event of arrest or surrender within 30 days of passing of this order, petitioner namely Ritesh Kumar is directed to be released on his furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties of like amount subject to the condition as mentioned in the Section 438(2) of Cr.P.C.

With above observation, this anticipatory bail petition is hereby **allowed**.

Let a copy of this order be forwarded to the court of A.C.J.M. IV for information & needful.

Dictated.
Sd/-
(Awadesh Kumar)
3rd Addl. Sessions Judge
Muzaffarpur.