

IN THE COURT OF SESSIONS JUDGE, PATNA

Anticipatory Bail Petition No.2330 of 2026.

Rahul Kumar

..... **Petitioner**

Versus
The State of Bihar

Order No.	Date
09	15-07-2026

O R D E R

1. The **petitioner, Rahul Kumar**, apprehends arrest in connection with **Pirbahore P.S. Case No. 265/2022**, registered for offences under Sections 406 and 506 read with Section 34 of the Indian Penal Code, 1860, as well as Section 138 of the Negotiable Instruments Act.
2. Heard Sri Dilip Kumar, learned counsel for the petitioner and Sri Rajesh Kumar, learned Public Prosecutor for the State.
3. The prosecution case, in brief, is that the informant, Shivnath Tiwari, proprietor of Pawanputra Enterprises, alleged that petitioner Rahul Kumar engaged in business transactions with him and purchased medicines on credit. In April 2021, while the informant was suffering from COVID-19, petitioner Rahul Kumar allegedly procured medicines worth Rs. 28 lakhs without making payment. The informant demanded settlement of dues, whereupon petitioner issued a cheque dated 23.07.2021 for Rs. 28 lakhs, which was dishonoured. Despite issuance of legal notices, no payment was made. It is further alleged that the petitioner absconded with his family, conspired, and issued threats to the informant.
4. Learned counsel for the petitioner submitted that despite best efforts, he was unable to establish contact with the petitioner and, therefore, could not inform him to make himself available for service of notice under Section 41A of the Code of Criminal Procedure by the Investigating Officer. Nevertheless, he prayed that the present application be heard and disposed.
5. It was further submitted on behalf of the petitioner that the only non-bailable offence alleged is under Section 406 IPC, which carries a maximum punishment of three years and is triable by a Magistrate. It was contended that the petitioner has been falsely

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Contd....
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implicated. It was also argued that the petitioner did not issue any cheque of such amount to the informant, and that the cheque was allegedly obtained and filled in by the informant with an ulterior motive to extract money or to eliminate the petitioner from the medical business. The petitioner is also stated to have clean antecedent.

6. *Per contra*, learned Public Prosecutor opposed the prayer for anticipatory bail, submitting that the petitioner is not cooperating with the investigation and has failed to join the same. It was further submitted that the police made efforts to serve notice under Section 41A of the Cr.P.C and even visited the petitioner's residence; however, the notice could not be served as the family members refused to receive it and informed that the petitioner had not been residing there for a considerable period. Also, the I.O. tried to contact the petitioner through his counsel in the present application but learned counsel expressed inability.
7. Considering the above facts and circumstances; the conduct of the petitioner in not making himself available for investigation, as despite all efforts, the I.O. could not serve notice under Section 41A Cr.P.C., upon him, even through the learned counsel for the petitioner; rival submissions of both the parties; investigation is going on and charge sheet is yet to be filed, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the application stands ***rejected***.

(Dictated)

Sd/-

(Rupesh Deo)
Sessions Judge, Patna

Date of Order	15-07-2026
Date of Reserving Order	14-07-2026
Uploading Date	15-07-2026
Uploaded by	Rahul/-