

IN THE COURT OF DISTRICT & A.S.J.-III, VAISHALI AT HAJIPUR

A.B.P. No. 996 of 2026

CNR No. BRVA01-003265-2026

Arising out Complaint Case No. 3625/2008

U/ss – 420 and 138 N.I. Act.

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Sanjeet Kumar, S/o: Bhola Mishra

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Petitioner

Versus

The State of Bihar

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Opposite Party

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Appearance :

For the petitioner

: Sri Uma Shankar Pd. Singh, Amrendra Kr. Singh, Ranbeer Kr. Sharan, Ld. Adv.

For the State

: Sri Ramnath Mahto, Ld. A.P.P.

For the Informant

: Sri Ravi Shankar Singh, Ld. Adv.

13.07.2026

Order

1. The anticiptory bail petition of the petitioner-Sanjeet Kumar, who is apprehending his arrest in connection with aforesaid case, Complaint Case No. 3625/2008, U/ss – 420 and 138 N.I. Act.

2. The Ld. Advocate on behalf of the petitioner pressed the anticipatory bail petition and submitted that, the petitioner has not moved this Court or Hon'ble High Court earlier either for regular or anticipatory bail. That the petitioner has no criminal antecedent. That the petitioner had no knowledge of the case and all the process were wrongly sent through Vaishali authority and due to inadvertance process of 82 Cr.P.C. was issued through Vaishali authority which was never executed or served on the petitioner. That on 03.09.2024 a report from Vaishali S.P. was sought with regard to order U/s. 82 Cr.P.C. dated 10.11.2016 and thereafter on 04.03.2025 N.B.W. was issued against the petitioner through S.P. Muzuffarpur which was being awaited and the next date is fixed for 12.05.2026. That the petitioner through thana knew about warrant and at Hajipur applied

<u>13.07.2026</u>	for C.C. on 24.03.2021 which was handed over to him on 26.03.2026 and thereafter after legal advice he is filing application for grant of anticipatory bail. That the petitioner had no knowledge because neither summons nor warrant and other process were ever served on the petitioner and the entire process was out side jurisdiction where the of the residence and address of the petitioner is situated. That he admittedly it was a friendly loan hence Sec. 420 I.P.C. has got no application and it is settled principle that along with Sec. 138 N.I. Act, Sec. 420 I.P.C. is not attracted. That the complainant inspite of receipt of money did not return cheque under this pretext of other and ultimately illegally brought this case to malign the petitioner and tarnish his image. That the petitioner has reasonable apprehension of being arrested. That the petitioner is ready to furnish bail bond to the satisfaction of the Court. He further filed a petition and submitted that, the petitioner for the purpose of bail is ready to give Rs. 40 thousand to the complainant on his appearance either in this Ld. Court or in the Court below, but he reserves the right to defend himself, and the offer is not meant that the petitioner is admitting the transaction if the complainant contests even after payment. 3. The Ld. A.P.P. opposed the prayer of anticipatory bail petition. Whereas the Ld. Adv. Of the complainant submitted by writting on bail petition that, if the petitioner shall pay the entire amount to the complainant within 15 days of the date of the written application submitted by the complainant before the Court. The complainant has no objection to the bail application, and at present the complainant is not in his contact. 4. As per complaint petition of the complainant-Rajesh Kumar, the prosecution's case in short is that, being acquainted with the accused,
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<u>13.07.2026</u>	he advanced a friendly loan of Rs. 40,000/- in cash on 10.12.2007 on the accused's assurance that the amount would be repaid within six months. On repeated demands, the accused issued a cheque for Rs. 40,000/- but it was dishonoured due to insufficient funds. Thereafter, the accused executed a written undertaking on a stamped paper promising to repay the amount by 14.07.2008, yet failed to honour the commitment. Subsequently, on the accused's assurance that sufficient funds had been deposited, the complainant again presented the cheque on 11.11.2008, but it was again dishonoured for insufficient of funds, and bank charges were deducted from the complainant's account. Thereafter, the complainant served a legal notice through his advocate demanding payment, but despite receipt of the notice, the accused neither repaid the loan amount nor responded. Alleging cheating and intentional non-payment, the complainant has prayed for appropriate legal action against the accused and recovery of the amount along with compensation. 5. Heard both parties, perused the L.C.R. As The Ld. Adv. Of the petitioner submitted that, the petitioner for the purpose of bail is ready to give Rs. 40 thousand to the complainant on his appearance either in this Ld. Court or in the Court below, but he reserves the right to defend himself, and the offer is not meant that the petitioner is admitting the transaction if the complainant contests even after payment. And the Ld. Adv. Of complainant submits that by writting on bail petition that, if the petitioner shall pay the entire amount to the complainant within 15 days of the date of the written application submitted by the complainant before the Court. The complainant has no objection to the bail application. 6. Hence, regard being had to above mentioned facts and
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13.07.2026	circumstances, application for anticipatory bail of the above mentioned petitioner is allowed and I direct that, in the event of arrest or surrender before the Ld. Court below within fifteen days (15 days) from the date of receipt of copy of this order, petitioners shall be released on bail on furnishing his bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the Ld Court below subject to the condition under the provision of Section 482(2) of B.N.S.S. Subject to filing of undertaking by petitioner that he shall give Rs. 40 thousand (Fourty thousand) to the complainant on his appearance before the trial Court as submitted in petition. 7. O/C will send the copy of this order along with L.C.R. to concerned Ld. Court below for kind information and needful. 8. The Steno is directed to upload the order on the C.I.S. District & Addl. Sessions Judge-III, Vaishali at Hajipur, 13.07.2026
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