

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8873 of 2025**

Arising Out of PS. Case No.-50 Year-2024 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Sunil Dhanwat @ Atharva Sunil Dhanwat @ Sunil Pandurang Dhanwat S/O
Pandurang Dhanwat R/O Flat no. 103, Sundarshilp Apartment, CTS- 222/239
Near Tanaji Chowk, Near Shivaji Putala Kothrud Pune City, Ex Serviceman
colony, P.S.- Varji, Malvadi, Pune, Maharashtra- 411038

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shishir Kumar Rai S/O Rakesh Kumar R/O Vill.- Titra, P.S.- Mairwa, Dist.-
Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Rupesh Kumar, Adv.
For the State	:	Mr. Gauri Shankar Gupta, APP
For the Complainant	:	Ms. Riya Giri, Adv. Mr. Sumit Kumar Jha, Adv.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 24-03-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the complainant.

2. The petitioner apprehends his arrest in Complaint
Case No. 50/2024 punishable for the offence under Section 406
of the Indian Penal Code and Section 138 of the N.I.Act.

3. The prosecution case, as per complaint case, is that
petitioner being the Proprietor-cum-Director of Spekans EPC
Pvt. Ltd., Pune engaged the complainant for a project related to
structure fabrication at a site in Surat (Gujarat). The
complainant alleged that he invested Rs. 50,85,656/- in the said



project, whereas petitioner made a payment of Rs. 23,38,000/- via RTGS, leaving outstanding amount of Rs. 27,47,656/-. It is further alleged that the petitioner issued a cheque of Rs. 17,47,656/-, which got bounced due to insufficiency of fund.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has been falsely implicated in this case. Dispute is purely of civil nature, however colour of criminal offence has been given merely to pressurise the petitioner to make the payment of alleged outstanding dues.

5. Learned counsel appearing on behalf of complainant opposes the prayer for anticipatory bail and submits that petitioner has not denied the allegation made in the complaint petition and the cheque issued by the petitioner got bounced due to insufficiency of fund. Learned counsel further submits that in this case, petitioner neither appeared nor surrendered before the Court and as such, he has been declared absconder and process of Section 82 of the Cr.P.C. has been initiated against him to ensure his appearance in the Court. Therefore, the petitioner is not entitled to the relief of anticipatory bail. In support of this submission, learned counsel for the complainant has placed reliance on these cases, i.e., **(i) (Lavesh v. State (NCT of Delhi) (2012) 8 SCC 730, (ii) State**



of MP v. Pradeep Sharma (2014) 2 SCC 17 and (iii) Prem Shankar Prasad v. State of Bihar 2021 SCC OnLine SC 955).

6. In response to the above decisions, as placed on behalf of complainant, learned counsel for the petitioner has placed reliance on a decision of the Supreme Court in the case of *Srikant Upadhyay & Ors. vs. State of Bihar & Anr.*, arising out of *Special Leave Petition (Crl.) No. 7940 of 2023*.

7. Heard learned counsel for the parties. It is a case of 'cheque bounce'. The cheque, issued by the petitioner, got bounced due to insufficiency of fund. In this case, process of Section 82 Cr.P.C. has already been initiated on 12.12.2024 and as such, petitioner is not entitled to relief of anticipatory bail.

8. Considering the aforesaid facts & circumstances of the case and gravity of the offence, the petition for pre-arrest bail of the petitioner is dismissed.

(Prabhat Kumar Singh, J)

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