

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3715 of 2016

Arising Out of PS.Case No. -93 Year- 2015 Thana -PALANWA District-
EASTCHAMPARAN(MOTIHARI)

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Firoj Alam, son of Zakir Miyan, resident of Village- Bada Pareuwa, P.S.
Raxaul, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Wasi Ahmad S/o- Late Abdul Aziz, R/o- Village Siswaniya, P.O. Gaad
Bahuari, P.S. Palanwa, District East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Mr. Manoj Kumar No.1(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 11-05-2016 Heard learned counsel for the petitioner and the

learned counsel for the informant as well as the learned counsel
appearing on behalf of the State.

The petitioner apprehends his arrest in connection with

Palanwa P.S. Case No. 93 of 2015 for the offences registered
under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the

present case is wholly misconceived as no FIR is maintainable
in a case under section 138 of the N.I. Act. Even if, the
prosecution story is assumed to be true, then also, he had
informed the bank about the lost cheques. It is further submitted
that the informant taking advantage of the proximity that the

petitioner with the informant had used such cheques, which have been lost and for which payment had been stopped by the petitioner has now come up with the case of the cheques, having bounced on account of insufficient funds. It is further submitted that whatever may be the nature of allegation, it is a matter which can well be decided in an appropriate proceeding.

Considering the aforesaid facts and circumstance of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari in connection with Palanwa P.S. Case No. 93 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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