

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58460 of 2018

Arising Out of PS. Case No.-375 Year-2018 Thana- BUXAR District- Buxar

Abhai Rai S/o Sri Niwas Rai, R/o Vill.- Barkagaon , P.S.-Buxar (Ind) At
present R/o Babanagar, P.S.- Buxar (M), Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Kamal Deo Sharma, Advocate
For the Informant	:	Ms. Mayuri with Mr. Ravi Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 18-12-2018

Heard learned counsel for the petitioner; learned
A.P.P. for the State and learned counsel for the
informant/complainant.

2. The petitioner apprehends arrest in connection
with Buxar (T) P.S. Case No. 375 of 2018 dated 13.07.2018
instituted under Sections 406/420 of the Indian Penal Code and
Section 138 of the Negotiable Instruments Act.

3. The allegation against the petitioner is that a
cheque of Rs. 19,00000/- in favour of the informant was not
honoured by the Bank due to insufficient fund in the account of
the petitioner.

4. Learned counsel for the petitioner submitted that



though the allegation is that the informant had given Rs. 20,00000/- to the petitioner in between January, 2015 to December, 2015 but nothing has been brought on record to show as to by which mode such huge amount was given to the petitioner. It was further submitted that such amount being given without there being any record of transaction itself is doubtful. Learned counsel submitted that the informant had snatched the blank signed cheque of the petitioner on 11.06.2018 for which he has filed Complaint Case No. 785 of 2018 before the Chief Judicial Magistrate, Buxar on 28.07.2018.

5. Learned A.P.P. and learned counsel for the informant submitted that the complaint case is an after thought only to counter the present case and further that there being no allegation of the cheque being forged and fabricated, the petitioner was liable to ensure that the cheque was honoured and not returned for insufficiency of funds. It was further submitted that the complaint case being frivolous is clearly indicated by the fact that if a blank signed cheque by anybody is forcibly taken away, the same having serious repercussions and financial ramifications for the petitioner, the obvious step by him would be to go to the nearest police station and report such incident and him not doing so and filing a complaint case after a few



weeks clearly shows the falsity of the allegation and the defence.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

8. However, in the event the petitioner surrenders and prays for bail before the court below within three weeks from today, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

