

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53516 of 2018

Arising Out of PS. Case No.-198 Year-2018 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

Abhishek Nathani S/o Late Shrawan Kumar Nathani, R/o Nathani Market,
3rd Floor Sutapatti, P.S.- Nagar (Muzaffarpur Town), District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Parmanand Kumar

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 12-12-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Muzaffarpur Nagar P.S. Case no. 198 of 2018, registered
under Sections 420, 406, 341, 323, 506 and 504 of the Indian
Penal Code.

Petitioner is said to have taken Rs.8 lacs from the
informant and subsequently furnished cheque of the aforesaid
amount to him and on presentation of the same in the bank it
was bounced with the endorsement 'amount not sufficient'. On
demand of money by the informant, petitioner extended
threatening of self-immolation and false implication of the
informant in the case and also of dire consequence to his family
members.



It is submitted by learned counsel for the petitioner that no such threatening has been given by the petitioner. As a matter of fact, it is a case of bounce of cheque and triable under Section 138 of N.I. Act which is bailable. It is also submitted that no offence under Sections 406 and 420 of the Indian Penal Code is made out and under Section 138 of the N.I. Act, after giving notice to the petitioner within the stipulated period, complaint is required to be filed but neither any notice has been given to the petitioner nor complaint was filed rather F.I.R. has been filed which is not maintainable in the eye of law.

In the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Muzaffarpur in connection with Muzaffarpur Nagar P.S. Case No. 198 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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