

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7525 of 2019

Arising Out of PS. Case No.-828 Year-2018 Thana- SASARAM NAGAR District- Rohtas

=====

Ali Ahmad, Son of Late Wasi Ahmad, Resident of Village Saraiya, P.S.
Amjhor, District Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arshad Hussain, Son of Late Md. Shahud, Resident of Shahjuma near Bari Nala, P.S. Sasaram, District Rohtas.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ansul

For the Opposite Party/s : Mr.Lalan Kumar

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-02-2019 Heard both sides.

Petitioner apprehends his arrest in Sasaram (T) P.S.

Case No.828 of 2018 registered under Sections 420 and 406 of
the Indian Penal Code and under Section 138 of the N.I. Act.

The informant in gist alleged that on the request of his
friend Firaq Quraishi, he supplied construction material to Ali
Ahmad. Ali Ahmad in lieu thereof issued a cheque of IDBI
Bank of Rs. 25,00,000/- but when the cheque was presented, the
cheque was returned with remarks of non-availability of
sufficient fund in the account of the petitioner.

Mr. Anshul, the learned counsel appearing on behalf
of the petitioner submits that from perusal of the FIR, it would
appear that no ingredients of Section 420 is made out. It is a



case of bouncing of cheque, which is bailable. In course of business transaction, the cheque was given and same was not honoured. It is submitted that in fact the petitioner handed over the cheque to the informant as security in a transaction of real estate but without knowledge of the petitioner, the informant presented the cheque. Consequently, the cheque was dishonoured.

Taking into consideration the facts aforesaid and the fact that the petitioner and the informant were transacting with each other and in course thereof the cheque was given to the informant which is bounced, let 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 of this order be enlarged on bail 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., Sasaram in connection with Sasaram (T) P.S. Case No.828 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U		T	
---	--	---	--

