

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18444 of 2019**

Arising Out of PS. Case No.-160 Year-2016 Thana- RAXAUL District- East Champaran

SUNIT PETER @ SUMIT PETER Son of Justin Peter Resident of village-
Sunderpur, Ward No. 4, P.S.- Raxual, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar
For the Opposite Party/s : Mr.Ram Anurag Singh

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

2 27-03-2019 Heard both sides.

The petitioner apprehends his arrest in Raxaul P.S.
case No. 160 of 2016 registered under Section 406 and 420 of
the IPC and u/s 138 of the N. I. Act.

The gist of the allegation is that petitioner is said to
have borrowed Rs. 3 lac from the informant for treatment of his
father but petitioner could not return the money. On demand the
petitioner issued a cheque of Rs. 1, 65,000/- but the cheque was
dishonoured.

The learned counsel for the petitioner submits that
petitioner never borrowed any amount from the informant. The
petitioner and informant are partners in a business and petitioner
gave blank cheque to the informant but the informant without
informing the petitioner presented the cheque in the Central



Bank of India which was returned due to paucity of fund. It is submitted that no offence u/s 138 of N.I. Act is made out because notice as required u/s 142A of the Act was given to the petitioner but complaint was not filed within the period prescribed therein and after six months of the occurrence the informant filed the FIR.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub divisional Judicial Magistrate, Raxaul, Motihari in connection with Raxaul P.S. case No. 160 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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