

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.21757 of 2019**

Arising Out of PS. Case No.-973 Year-2016 Thana- BHABHU(KAIMUR) COMPLAIN C  
District- Kaimur (Bhabua)

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Md. Zakir Hussain @ Zakir Hussain, Son of Aas Mohammad, Resident of  
Village-Banchhuli, P.S-Harsidhi, District-East Champaran.

.. ... Petitioner/s

Versus

1. The State of Bihar
2. Zainul Abedin Son of Late Gulam Mustafa, Resident of Chhawani Muhalla,  
P.S-Bhabhua, District-Kaimur.

... ... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Radha Mohan Singh  
For the Opposite Party/s : Mr. Ajay Kumar-I, APP  
For the Informant : Mr. Uday Pratap Singh

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
ORAL ORDER

4      01-08-2019                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Kaimur  
(Bhabhua) Complaint Case No.973 of 2016 for the offence  
punishable under Sections 420, 406 of the Indian Penal Code and  
Section 138 of Negotiable Instrument Act.

The allegation against the petitioner is that petitioner is  
Secretary of the Ayurvedic Medicare and Development Institution  
and was allotted Madarsa by the informant for the purpose of orphan  
children and petitioner undertook to pay a sum of Rs. 66,000/- for  
each Madarsa. It has further been alleged that petitioner gave three  
cheques of Rs. 1,84,000/- but all got dishonoured.

Mr. Radha Mohan Singh, learned counsel for the petitioner  
submits that petitioner is innocent and has not committed any



offence and from perusal of the complaint at best offence under Section 138 of N.I. Act is made out and no offence under Section 406, 420 are made out against the petitioner.

On the contrary, learned counsel, Mr. Praveen Kumar for Opposite Party No.2 relying upon an order dated 22.07.2019 passed in Cr. Misc. No.22784 of 2019 submits that in the case of similar nature in which the petitioner as well as the complainant are same, this Court has rejected bail application on the ground that process under Section 82 and 83 have already been issued. He relies upon the order dated 13.03.2019 passed by C.J.M., Bhabhua and submits that in this case also the process under Section 82 and 83 have been issued.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that in the similar matter between the same parties, this Court has dismissed bail application on the ground that process under Section 82 and 83 have been issued, accordingly, I am not inclined to grant anticipatory bail to the petitioner and the same is hereby rejected.

sanjeev/-

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**(Anil Kumar Sinha, J)**

