

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59905 of 2019

Arising Out of PS. Case No.-2339 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Qais Ahmad, Son of Md. Gheyasudin, Resident of Village - Irki, Near Irki
Dargah, P.S.- Jehanabad, District- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Ali Quaisar, Son of Late Md. Saghiruddin, Resident of Mohalla -
Alamganj, Near Alamganj Chownki, P.S.- Alamganj, District- Patna. At
present residing at Madarsa Sultania Sabzibagh, P.S.- Pirbahore, District-
Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagdish Prasad Bhagat, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 20-11-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No. 2339 (C) of 2016,

disclosing offences under Section 138 of N.I. Act and Section

420 of the IPC.

In this case earlier notice was issued to the opposite
party no.2 by ordinary notice as well as registered cover. It
appears from the office note that registered cover return with
remark “incomplete address” but the service report of the
ordinary notice disclosed that the opposite party no.2 could not
be found.

Submission of learned counsel for the petitioner is



that he has taken the steps for service of notice on the address given in the complaint petition.

Considering the fact, as stated above, this application is taken up on merit.

As per complaint petition, there is a talk of sale of 02 Kathas of land, for that, the complainant has paid Rs.9 lacs to the petitioner, but he has not got the sale deed executed and on demand, presented a cheque of Rs.09 lacs of Punjab National Bank, on production that has bounced.

Submission of the learned counsel for the petitioner is that in the entire complaint petition, there is no chit of paper to show that Rs.09 lacs. So far dishonour of cheque is concerned, the cheque has fraudulently been taken by the complainant and by making the signature of the petitioner presented in the bank and that has dishonoured on the ground that drawer's signature differs.

Heard learned A.P.P. also.

Earlier notice was issued to the opposite party no.2 on the address given by him, but that could not be affected, as stated earlier.

Having heard both sides, considering the above submissions, this application is allowed. The provisional bail



granted to the petitioner, vide order dated 25.09.2019 is confirmed on condition that petitioner has to appear and co-operate in disposal of the complaint petition.

Accordingly, this application is allowed with above direction.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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