

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9469 of 2022

Arising Out of PS. Case No.-659 Year-2020 Thana- AMARPUR District- Banka

SANJEET SAHAY @ SANJEET SAHAI Son of Late Keshav Mohan Sahay
@ Late Keshav Mohan Sahai Resident of Qr. No. 4, Bank Colony, Hatia
Road, Tilkamanjhi, Police Station - Tilkamanjhi, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harun Qureshi, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 504 and 506 of the Indian Penal Code read with Section 138 of the N.I. Act.

The informant alleges that the petitioner along with Sandeep had taken a loan of Rs. 3 lakhs from his son for doing fishery business and in lieu of the amount taken had given cheque of the same account taken by way of loan as security, it is next alleged that the accused persons also took Rs. 18 lakhs from the informant for establishing three fishing ponds but never came back and later gave two cheques of Rs. 9 lakhs



which bounced, further on 20.09.2020, the accused persons came to the petrol pump of the informant and abused his Staff and even threatened the informant in their presence.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent, he has been falsely implicated in the present case and from bare perusal of the allegations as alleged in the F.I.R. it would manifest that the informant has alleged that Rs. 18 lakhs were taken by the accused persons, including the petitioner, for starting the business of fishery but they siphoned off the amount and thereafter gave two cheques of Rs. 9 lakhs which on presentation bounced, learned counsel thus submits that even presuming what has been alleged in the F.I.R. is true, without admitting the same, then the remedy was of filing of a case under Section 138 of the N.I. Act as no F.I.R. is maintainable for bouncing of cheques in terms of Section 2(d) of the Cr.P.C. read with Section 142 of the N.I. Act, it is next submitted that from bare reading of the allegations it appears that the dispute was civil in nature and no offence under Sections 406 and 420 is *prima-facie* made out.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Amarpur P.S. Case No. 659 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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