

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24521 of 2022

Arising Out of PS. Case No.-365 Year-2020 Thana- MAJHAULIA District- West Champaran

SHEIKH SHORAB @ SHEKH SOHRAB Son of Sheikh Kamrullah @
Shekh Kamrullah Resident of Village - Majhariya Shekh,P.S.- Majhauriya,
District - West champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 406, 504, 506, 474 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner has antecedent of one case in which he is on bail, it is next submitted that the informant alleges that on 15.10.2019 at about 10:00 AM, the accused persons came to the informant and demanded their money for supply of chicken and fodder, accordingly the informant gave them Rs. 3,40,000/- and they promised to return the money within six month but they did not return the amount as agreed and



thereafter on 06.03.2020 a cheque for Rs. 3,40,000/- was issued to the informant but the same on presentation bounced, accordingly the present FIR came to be instituted.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR it would manifest that the dispute is purely civil in nature and a criminal case has been instituted only with a view to coerce the petitioner into submission for recovering the said amount, it is next submitted that if what is alleged is correct then informant had remedy available under the Negotiable Instrument Act, it is also submitted that no FIR lies in a case of bouncing of cheque.

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 trial court 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 trial court where the case is pending/successor court in connection with Majhaulia



P.S. Case No. 365 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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