

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25426 of 2022

Arising Out of PS. Case No.-420 Year-2021 Thana- GARKHA District- Saran

PAPPU KUMAR RAI @ PAPPU KUMAR RAY Son of Surendra Kumar Ray
Resident of Village - Sadhpur, P.S.- Garkha, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Krishna Kant Singh, Advocate
For the Opposite Party/s :	Mr. A.G, A.P.P.
:	Mr. Dhananjay Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State and learned counsel for the informant.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 323, 504 and 506 of the Indian Penal Code.

The informant alleges that the petitioner had issued cheques which on presentation got dishonoured and thus it is alleged that petitioner cheated the informant of Rs. 10,72,000/-.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that petitioner and the informant were known to each other, it is next submitted that the petitioner dispute issuance of cheque in favour of the



informant, it is also submitted that an FIR is not maintainable in a case relating to bouncing of cheque for which a complaint petition is to be instituted in terms of the N.I. Act. Learned counsel further submits that even offence under Section 138 of the N.I. Act is bailable, it is also submitted that as far as allegation under Section 406 and 420 is alleged, the same is in a realm of allegations and are to be adjudicated in a duly constituted trial and in the event if the petitioner is acquitted of the charges in trial then how his period of incarceration would be compensated and in the event if the petitioner is indicted, he will serve the sentence.

Learned A.P.P. for the State and the learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner but are not able to rebut the submission of the learned counsel for the petitioner that an FIR is not maintainable in a case relating to Section 138 of the N.I. Act.

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 Garkha P.S. Case No. 420 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

U		T	
---	--	---	--

