

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15931 of 2023

Arising Out of PS. Case No.-999 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

SHIV NATH SINGH SON OF LATE RAM AVTAR SINGH RESIDENT OF
RAM AVTAR NAGAR, HATHSARGANJ, P.S. HAJIPUR TOWN,
DISTRICT - VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner, 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 341, 323, 504, 506, 406 and 420/34 of the Indian Penal Code as well as Section 138 of the Negotiable Instruments Act..

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

The informant alleges that petitioner took a loan of Rs.5,60,000/- and in lieu thereof gave cheque of Rs.4,10,000/- and assured that rest amount of Rs.1,50,000/- shall be returned within ten days. Further, the amount as agreed was not returned within ten days and the cheque on presentation for encashment bounced and when the informant demanded his money, it is



alleged that he was assaulted, abused and threatened.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that the petitioner disputes that the cheque was issued by him. It is next submitted that it is settled principles of law that an FIR is not maintainable in a case relating to bouncing of cheque. It is also submitted that had the informant instituted a complaint then his bona fides could have been assessed. It is further submitted that had a notice been issued by the informant when the cheque bounced then the petitioner would have explained the circumstances and would have denied issuance of cheque but that opportunity never came to him.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that in a case relating to bouncing of cheque FIR is not maintainable.

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 Hajipur Sadar P.S. Case No. 999 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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