

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16960 of 2023

Arising Out of PS. Case No.-447 Year-2022 Thana- COMPLAINT CASE District- Araria

MD. TASLEEM @ MD. TASLIM S/O LATE ABU BAKAR ALI Resident of
Village- Garhiya, Ghat, P.S.- K. Nagar, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. MD. ITTEFAQUE ALAM @ MUNNA BHAI S/O LATE AYUB ALI
Resident of Village- Garhiya Ghat, P.S.- K. Nagar, District Purnea, At
present Proprietor of M/S Dolphin Enterprises, Maulana, Adul Kham
Chowk, Zero Mile, P.S. and Distirct- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv
		Mr. Ramesh Kumar Singh
For the Opposite Party/s	:	Mr. Harendra Prasad
	:	Mr. Pushkar Narain Sahani, Sr. Advocate
	:	Ms. Deeksha Singh
	:	Mr. Amit Anand
	:	Mr. Raghvendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 13-07-2023 Heard learned senior counsel for the petitioner and

learned A.P.P. for the State along with learned senior counsel for

the informant.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420
of the Indian Penal Code and Section 138 of the N.I. Act, 1881.

The complainant alleges that he is dealer of Swaraj
Tractor Agency and runs his agency through accused persons
who have committed breach of trust by misappropriating Rs. 68
lacs and when the complainant asked for the misappropriated



amount, a Panchayati was organized in which the petitioner agreed to pay an amount of Rs. 55 lacs, thereafter, issued a cheque of Rs. 30 lacs which on presentation bounced.

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

Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that even presuming what has been alleged is true without admitting then it is the case of the complainant that a cheque was issued and the same bounced for which a complaint has been filed and cognizance has been taken, it is next submitted that mere bouncing of cheque is a bailable offence but then when it is read with 406 and 420 IPC, then the offence becomes non-bailable, learned senior counsel next submits that the petitioner is disputing the issuance of cheque for a valid consideration, it is further submitted that in the event if the complainant is not able to prove the offence in the trial then why the petitioner should be sent to custody and in the event if the complainant in the trial is able to prove the case, the petitioner will serve the sentence.

Learned A.P.P. for the State along with the learned counsel for the complainant opposes the prayer for anticipatory



bail of the petitioner but then are not able to meet the submission of the learned senior counsel for the petitioner that the offence under Section 138, N.I. Act is bailable and the thrust of the allegation is of bouncing of cheque.

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 Araria Complaint Case P.S. Case No. 447 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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