

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21915 of 2023

Arising Out of PS. Case No.-293 Year-2022 Thana- JOGBANI District- Araria

GAURAV BHAUMIK @ GAURAV BHOWMICK Son of Late Madan Bhowmick Resident of village - Indra Nagar Ward No.- 09 Jogbani, P.S.- Jogbani, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2023 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 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that petitioner being friend of her son-in-law cheated her son-in-law of Rs. 10,00,000 in name of the marriage of his own sister. It is next alleged that thereafter the money was not returned but the petitioner issued a cheque dated 22.08.2022 for an amount of Rs. 8,25,000/- but the same on presentation for encashment bounced.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that it absolutely does not stand to reason that as to why the son-in-law of the informant did not institute this case if he was cheated by the petitioner, it is also submitted that petitioner never took any loan nor issued any cheque. The learned counsel further submits that it is a settled principal of law that an FIR is not maintainable in a cheque bouncing case. It is further submitted that if a notice would have been issued to the petitioner alleging that the cheque issued by him bounced then the petitioner would have furnished his explanation but that opportunity never came to him.

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 Jogbani P.S. Case



No. 293 of 2022 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Adnan/-

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