

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22946 of 2023

Arising Out of PS. Case No.-121 Year-2021 Thana- KARAKAT District- Rohtas

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MANOJ KUMAR SON OF JAGU SINGH RESIDENT OF VILLAGE-
TENUA TOLA, PO- GORARI, PS- KARAKAT, DISTT- ROHTAS

... .. Petitioner/s

Versus

1. The State of Bihar
2. BINOD KUMAR SINGH SON OF LATE RAMJIT SINGH RESIDENT OF
VILLAGE- AND PO- DHANAW, PS- NASARIGANJ, DISTT- ROHTAS

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay
For the Opposite Party/s : Mr. Murli Dhar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State along with learned counsel for the informant.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 406, 188 of the Indian Penal Code and Sections 138, 139 of the N.I. Act.

The informant alleges that the petitioner borrowed Rs. 8,25,000/- from the informant by way of loan in presence of Jitendra Paswan and Narayan Thakur thereafter on 09.07.2021, the petitioner issued a cheque of Rs. 8,25,000/- to the informant but the same on presentation bounced on account of insufficient funds, thereafter, a legal notice was served upon the petitioner



by the informant on 17.07.2021.

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

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the dispute is purely civil and if the petitioner had issued a cheque and the same bounced the remedy available to the informant was of filing a complaint as FIR is not maintainable in a case under Section 138 of the N.I. Act, it is further submitted that the present FIR has been instituted only with a view to coerce the petitioner into submission so that the petitioner under pressure and fear parts with the money which the petitioner disputes and submits that no cheque was issued by him nor he had taken any loan from the informant.

Learned A.P.P. for the State along with the learned counsel for the informant opposes 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 under N.I. Act, 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 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 Karakat P.S. Case No. 121 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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