

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28759 of 2023

Arising Out of PS. Case No.-217 Year-2017 Thana- MOTIHARI TOWN District- East
Champaran

MD HAFIZ ALAM, LATE AAS MOHAMMAD RESIDENT OF VILLAGE
NAUWADIH, PS- SUGAULI, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-07-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.

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

3. The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that petitioner got 700 bags of cement for Rs. 3,24,000/- and
gave Rs. 14,000/- in cash and issued cheque of Rs.3,10,000/- but the
same on presentation for encashment bounced.

4. The learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case. It is next
submitted that the allegation of purchasing 700 bags of cement is
false. It is next submitted that since petitioner was known to the
informant, as such he had issued cheque of Rs. 3,24,000/- in his



favour by way of friendly loan but on the date of presentation on account of insufficient fund in the account, the cheque bounced, it is next submitted that if what has been alleged is true that in that event the informant ought to have instituted a compliant case as FIR, in cases relating to the bouncing of cheque is not maintainable. It is also submitted that the petitioner never received any legal notice from the complaint though in the F.I.R. it is alleged that notices were sent.

5. Learned A.P.P. opposes the bail application.

6. Consideration 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 withing a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Motihari Town P.S. Case No. 217 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The applications stands allowed.

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(Satyavrat Verma, J)

