

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30536 of 2023

Arising Out of PS. Case No.-489 Year-2022 Thana- SULTANGANJ District- Patna

1. RUMY KHAN @ RUMA KHAN Wife of Md. Farhat Bashir Khan Resident of Mohalla-Naugarwa Sultanganj, P.S.-Sultanganj, District-Patna
2. NEMAT ARA Wife of Tipu Uddin Khan @ Tipu Khan Resident of Mohalla-Naugarwa Sultanganj, P.S.-Sultanganj, District-Patna
3. IFTEKHAR KHAN @ GUDDU KHAN Son of Late Murtaja Khan Resident of Mohalla-Naugarwa Sultanganj, P.S.-Sultanganj, District-Patna
4. TIPU UDDIN KHAN @ TIPU KHAN Son of Late Md. Imtiyaz Uddin Khan Resident of Mohalla-Naugarwa Sultanganj, P.S.-Sultanganj, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. MD. SHAHJAHAN Son of Qayum Resident of Mohalla-Naugarwa Sultanganj, P.S.-Sultanganj, P.O.-Mahendru, District-Patna and Permanent Resident of village-Pipala, P.O. Bera, P.S. Masaudhi, District-Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kumar, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 420, 34 and 504 of the Indian Penal Code and under Section 138 of the Negotiable Instrument Act.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner nos.



1 and 2 are women.

4. The informant alleges that the accused persons on pretext of getting him agency of a company cheated him of Rs. 10,16,000/-, further Md. Farhat Bashir issued cheque, but the same bounced on presentation for encashment.

5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated being relatives of Md. Farhat Bashir, it is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the petitioners had not issued the cheques and the allegation against them are general and omnibus in nature. It is further submitted that the complainant, in spite of filing a complaint petition, filed a petition under Section 156(3) of the Cr.P.C., based on which the present FIR came to be instituted, when it is a settled principle of law that an FIR is not maintainable with respect to an offence committed under Section 138 of the Negotiable Instrument Act.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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) each 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 Sultanganj P.S. Case No. 489 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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