

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53209 of 2021**

Arising Out of PS. Case No.-251 Year-2021 Thana- GAYA MUFASIL District- Gaya

BIRENDRA YADAV S/o Kailu Yadav R/o village- Budhgere, P.S.- Muffasil,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

8 13-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

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

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that petitioner approached him for purchasing a land, thereafter the consideration amount was fixed and the petitioner received the consideration amount but the sale deed could not be executed and thereafter petitioner issued four cheques which on presentation for encashment bounced and thereafter the present FIR came to be instituted.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is further submitted that the dispute is purely civil and a criminal colour has been given to the case, it is next submitted that an FIR is not maintainable with respect to bouncing of cheques, it is further submitted that the present FIR has been instituted only with a view to course the petitioner into submission by putting him under fear of police for parting with the money. Learned counsel next submits that he even disputes issuance of cheques.

5. Learned A.P.P. for the State and the learned counsel for the informant oppose 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 an FIR is not maintainable in an offence related to N.I. Act.

6. 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 Court below 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 court below where the case is pending/successor court in connection with Muffasil P.S.



Case No. 251 of 2021 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

