

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52110 of 2022

Arising Out of PS. Case No.-266 Year-2017 Thana- SHASTRINAGAR District- Patna

Manoj Kumar Rai @ Ashok Kumar Rai @ Manoj Rai Son Of Jano Rai @ Janeshwar Rai R/O Bihra Bela, P.S.- Bihara, Distt.- Saharsa, At Present Patel Nagar, Sahdeo Path, Tanya Apartment Flat No. 302, P.S.- Shastri Nagar, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chaman Rishi Son Of Rajani Kant R/O Patel Nagar Sahdeo Path, Tanya Apartment Flat No. 302a, P.S.- Shastri Nagar, Distt.- Patna, Mob.- 7488199035

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 28-06-2023 It appears that vide order dated 23.12.2022, the petitioner was granted provisional bail and the informant was issued notice to appear before this Court and contest the case.

The office note dated 24.06.2023 suggests that notices could not be served upon the informant since on the address of the informant, he was not available.

It is submitted by learned counsel for the petitioner that he had given the address of the informant



as mentioned in the F.I.R and on that address, the notices were issued.

Heard learned counsel for the petitioner and learned A.P.P for the State. None appears on behalf of the informant.

The petitioner seeks bail in connection with Shastri Nagar P.S. Case No. 266 of 2017 instituted for the offences punishable under Section 420 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act, 1881.

It is alleged against the petitioner that he had issued two cheques for the total amount of Rs. 15,40,000/- but both the cheques were dishonored.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. It is further submitted that there is no documentary proof with regard to handing over the money to the petitioner by the informant. It is also submitted that cheques were issued as security



deposit and it might be a matter of bouncing the cheque which will govern under Section 138 of the N.I. Act which is special act and this section is also bailable in nature. It is not a matter of cheating, hence, Section 420 I.P.C is not applicable against the petitioner.

In that view of the matter, the provisional bail granted to the petitioner vide order dated 23.12.2022 is hereby confirmed.

(Sunil Kumar Panwar, J)

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