

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56549 of 2022

Arising Out of PS. Case No.-423 Year-2017 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

=====

MUNNA PASWAN S/o Late Laxman Paswan R/o Mohalla- Maripur
Chitraguptpuri, P.S.- Kazimohammadpur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Ms. Bela Singh, Advocate
For the Opposite Party/s	:	Mr. Umanath Mishra, APP
For the Informant	:	Mr. Mayank Shekhar, Advocate
	:	Mr. Amritya Raj, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

8 22-06-2023 Heard learned counsel for the petitioner and

learned APP 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 406,
420, 467, 468 of the Indian Penal Code and under Section
138 of the N.I. Act.

The learned counsel for the informant, at the
outset, very fairly submits that an F.I.R. is not maintainable
in a case for an offence under Section 138 of the N.I. Act. It
is next submitted that the informant had given a loan of Rs.
50 Lakhs to the petitioner in lieu whereof five cheques of



Rs. 10 Lakhs each were issued, but the same got bounced. It is next submitted that the informant filed a complaint, but the complaint was filed at a belated stage and as such the learned Trial Court directed for instituting an F.I.R., in pursuance whereof, the present F.I.R came to be instituted.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that the cheques were issued not in lieu of any consideration, but since the petitioner and the informant are businessmen and deal in land, as such the petitioner had given cheques by way of an advance with respect to transaction of land in future, but the same never happened and the informant took advantage of the cheques and presented it for encashment.

Be that as it may, 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 Kazi Mohammadpur P.S. Case No. 423
of 2017 subject to the conditions as laid down under Section
438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishabh/-

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

