

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64999 of 2023

Arising Out of PS. Case No.-3267 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

MD. ASAD RAHMAN son of Md. Abdul Rahman R/o- Flat no-402,
Rehanam Jaitpur Apt, West Gandhi Maidan Ps- Gandhi Maidan Dist- Patna
... .. Petitioner/s

Versus

1. The State of Bihar
2. Vinod Kumar son of Late Ram Das Rai R/o- Ram Shyam Enclave Flat-206,
Mohalla- Nehru Nagar Ps- Patliputra Dist- Patna
... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subham Singh, Advocate
For the Respondents	:	Mr. Dinehs Singh, APP
		Mr. Amit Kumar Singh, Advocate
		Mr. Zeeshan Kumar, Advocate
		Mr. Puneet Siddharth, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 3 08-12-2023 Heard the learned Advocate for the petitioner, the

learned Additional Public Prosecutor for the State as well

the learned Advocate for the Informant / Opposite Party No.

2.

2. The petitioner apprehends his arrest in
connection with Complaint Case No. 3267(c) of 2017, in
which cognizance has been taken under Sections 406, 420
and 34 of the Indian Penal Code and Section 138 of the
Negotiable Instruments Act, 1881.

3. From the perusal of complaint, it appears that
the learned Magistrate took cognizance of offence under



Sections 406, 420 and 34 of the Indian Penal Code read with Section 138 of the Negotiable Instruments Act, 1881 against the present petitioner and co-accused.

4. The complaint was filed in the year 2017. Till date, petitioner's attendance before the Trial Court could not be procured. On perusal of complaint, it appears to this Court that practically, the grievance of the complainant is on the ground of dishonour of cheque.

5. In view of such circumstances, the petition under Section 438 Cr.P.C. is not maintainable.

6. The petitioner is directed to surrender before the court below positively by 3rd January, 2024, failing which the learned Magistrate is at liberty to take all coercive measures for procurement of attendance of the petitioner.

7. The instant application stands disposed of, accordingly.

(Bibek Chaudhuri, J)

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