

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11612 of 2024

Arising Out of PS. Case No.-83 Year-2021 Thana- JAKKANPUR District- Patna

Amrendra Kumar SON OF GUPTESHWAR NATH RAI RESIDENT OF
VILLAGE- BATUKESHWAR DUTT LANE, NEW JAKKANPUR, PS-
JAKKANPUR, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Riya Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP
Mr. Vijay Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 18-07-2024 Heard learned counsel for the petitioner, learned APP

for the State and the learned counsel appearing on behalf of the

O.P. No.2.

2. The learned advocate, Ms. Riya Singh who appears
on behalf of the petitioner submits that the law is well settled
that with respect to an offence under Section 138 of the N.I. Act,
1881, an FIR cannot be instituted, rather a complaint is
maintainable in terms of Section 142 of the Negotiable
Instruments Act, 1881 and for the said proposition relies on the
case of Hemant Kumar Das & Anr. Vs. The State of Bihar
reported in 2018 (4) PLJR 725.

3. The Court is in complete agreement with the
submissions made by the learned counsel appearing on behalf of



the petitioner, but then at this stage the learned APP submits that the offences for which the instant FIR has been instituted carries punishment of seven years and less. The said submission of the learned APP is not disputed by the learned counsel for the petitioner and the O.P. No.2.

4. The learned counsel appearing on behalf of the petitioner further submits that investigation in the case against the petitioner is still continuing, on which the learned APP submits that the case be disposed of in terms of the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. The State of Bihar).

5. In view of the submissions made by the learned APP the anticipatory bail application is disposed of in terms of the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. The State of Bihar).

6. The petitioners would be at liberty to file a representation before the concerned Superintendent of Police and the Investigating Officer of the case with a web copy of the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 within a period of three weeks from today and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the direction contained in



the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024
(Naushad Ansari vs. The State of Bihar).

(Satyavrat Verma, J)

Prakash Narayan

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