

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9703 of 2024

Arising Out of PS. Case No.-1568 Year-2021 Thana- PURNIA COMPLAINT CASE District-
Purnia

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M. A. Moiz Noumani Son of Taiyab Alijan Resident of Village-Chainpur,
P.S.-Mahalgaon, Distt.-Araria

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Tabish Halim Son of Dr. Shamshad Ahmad Resident of Sheo Mandir, Line
Bazar, Purnea, P.S.-K. Hat, Distt.-Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Nazir Ansari

For the Opposite Party/s : Mr.Jai Narain Thakur

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 1568 of 2021
registered for the offence punishable u/s 138 of the N.I. Act.

3. As per the prosecution case, the petitioner has
taken seven rooms on rent in Halim Complex, which is in
front of Azad Academy School. There was an agreement
between the father of the petitioner and the complainant.
The petitioner paid the rent for a few months, after which he
started procrastinating in paying the rent, due to continuous



non-payment of rent, the petitioner owed Rs. 3,35,000/- to the complainant. Thereafter, the petitioner gave three cheque of Bank of India to the complainant in lieu of the outstanding rent but all the cheques got bounced. When the complainant contacted the petitioner regarding the cheque bounce, the petitioner did not give any satisfactory reply.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. Learned counsel has submitted that from the complaint it appears that the occurrence took place in Araria District but the complainant was filed in the Purnea District which is not maintainable in the eye of law.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the nature of allegation against the petitioner as well as the materials available on record against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below



within six weeks from the date of this order and the Court below shall consider the prayer of the bail of the petitioner without being prejudice by this order.

(Chandra Prakash Singh, J)

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