

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26629 of 2023

Arising Out of PS. Case No.-63 Year-2020 Thana- COMPLAINT CASE District- Sheohar

LAL BABU SAH S/O BAIDHNATH SAH Resident of Village- Sahpur, P.S.-
Sheohar, District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. MD. KHURSID ALAM S/O MD. KABIR ALAM Resident of Village-
Gadahiya, P.S.- Sheohar, District- Sheohar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Raj Ballabh Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 18-01-2024 Heard the learned counsel for the petitioner as well as
the learned APP for the State.

2. Notice was issued to the complainant, but it was
returned with endorsement that the complainant had died.

3. The petitioner apprehends his arrest in connection
Complaint Case No. 63 of 2020 registered for the offences
under Section 420 of the Indian Penal Code and Section 138 of
N.I. Act.

4. As per allegation, the complainant was running a
brick kiln. The petitioner purchased bricks from the complainant
and he issued two cheques for consideration money which were
dishonoured by the bank.



5. The learned counsel for the petitioner submits that two cheques were issued in security. As a matter of fact, the consideration money was paid in cash. He has submitted further that Section 420 of the IPC is not attracted in this case.

6. On the other hand, learned APP has opposed the prayer for bail and submitted that the petitioner cheated the complainant by issuing the cheques which were dishonoured by the bank.

7. The cognizance under Section 420 of the IPC has also been taken in addition to Section 138 of Negotiable Instrument Act. I do not find it to be a fit case for anticipatory bail.

8. The petitioner is directed to surrender before the court below and make a prayer for regular bail.

9. With these observations, the anticipatory bail petition is rejected.

(Nawneet Kumar Pandey, J)

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