

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27033 of 2023

Arising Out of PS. Case No.-771 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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BASHISHTHA SINGH, Son of Late Ragho Singh R/V- near obra Thana
Mod, PS- Obra, Dist- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nand Kishore Sharma Son of Sri Lal Narayan Singh R/V- Chihuta PS- Rani
Talab, dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

2 23-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This application has been filed to quash the order dated 06.03.2023 passed by learned Judicial Magistrate, First Class, Danapur in Complaint Case No. 771© of 2021 for the offence under Section 138 of Negotiable Instrument Act whereby and whereunder the discharge application of the petitioner has been rejected.

3. It has been submitted by learned counsel for the petitioner that the petitioner should be discharged as the cheque book had been stolen and the present cheque has been produced after it was stolen. Charge has been framed on the basis of



materials brought by the prosecution.

4. The Hon’ble Supreme Court in the case of ***Ram Prakash Chadha V/s State of U.P; 2024 SCC OnLine SC 1709*** has held that the application for discharge can be considered only on the basis of the materials produced by the prosecution and the defence of the petitioner cannot be seen at the stage of framing of charge.

5. In that view of the matter, this application is dismissed.

6. The Magistrate is directed to proceed with the case and conclude the same within three months as it is a case of cheque bounce.

(Sandeep Kumar, J)

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