

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37353 of 2024

Arising Out of PS. Case No.-453 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Md Hasinuzzama S/O - Narul Haque R/O Village - Siswariya, P.S.-
Banjariya District- East Champaran
 2. Md Tarique Son Of Iftekhar Ahmad R/O Village- Royal Emergency And
Trauma Hospital Pvt Ltd Zero Mile P.S- Jakariyapur, New By-Pass Near
Opposite Over Bridge, Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shahrukh Alam Son Of Late Alam R/O- Village- Mahuawa, P.O- Purainiya,
P.S.- Darpa , District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-07-2024 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 420 of the IPC and Section 138 fo the N.I. Act in
connection with Complaint Case No.453 of 2022.

3. The learned counsel for the petitioners submit that
petitioners are persons with clean antecedent and have been
falsely implicated in the instant case by the informant.

4. It is next submitted that from bare perusal of the



allegation as alleged in the complaint, it would manifest that the dispute is purely civil to which a criminal colour has been given. It is next submitted that the complainant alleges that he along with the petitioners entered into a partnership agreement based on which a hospital came to be established at Patna, but then the petitioner left the partnership, on account of which twelve cheques of fifty thousand was given to the complainant by the petitioners, in lieu of settling the partnership claim, but the cheques on presentation for encashment bounced.

5. The learned counsel submits that the offence under Section 138 of the N.I. Act is bailable and in the nature of allegation prima facie no offence under Section 406 and 420 of the IPC is made out. It is next submitted that as per complaint there was admitted partnership in between petitioners and the complainant and the cheques were issued for settling the partnership claim as the complainant did not intend to continue with the partnership, but then the cheque bounced. It is further submitted that in the event if the complainant is able to prove that the cheques were issued for consideration, in that event consequences would follow, but then prima facie no offence under Section 406 and 420 of the IPC is made out.

6. The learned APP opposes the anticipatory bail



application.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist, Raxaul at Motihari in connection with Complaint Case No.453 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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