

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37151 of 2024**

Arising Out of PS. Case No.-77 Year-2024 Thana- KADAMKUAN District- Patna

Kamal Vijendra (Proprietor M/S Ganpati Mobile Bank) son of Rajendra Singh  
R/o- Flat No-201/A, Raghavendra Lok Apartment, Devi Sthan Road  
Punaichak Road PS- Shastrinagar Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar (Proprietor M/S M.K Agencies) son of Late Keshav Prasad Gupta Add- Apsara Hotel Building Kadamkuan Ps- Kadamkuan Dist- Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Samrendra Jha  
For the Opposite Party/s : Mr. Uday Chand Prasad

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      01-07-2024                      1.      Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel appearing on behalf of the informant.

2.      The learned counsel for the petitioner, at the outset, submits that law is well settled that for an offence relating to bouncing of cheque, a complaint is maintainable and not an FIR, but the instant FIR has been instituted under Sections 406 and 420 of the Indian Penal Code read with Section 138 of the N.I. Act in complete breach of the law well settled by this Court in the case of *Hemant Kumar Das & Anr. Vs. The State of Bihar reported in 2018 (4) PLJR 725*.

3.      At this stage, the learned APP for the State submits



that the offences for which the instant FIR has been instituted against the petitioner carries punishment of seven years and less, the said submission of the learned APP is not disputed by the learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the informant.

4. In view of the submission made by the learned APP, the anticipatory bail application is disposed of *in terms of the order dated 13-2-2024 passed in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar).*

5. The petitioner would be at liberty to file a representation before the concerned Superintendent of Police and the Investigating Officer of the case within a period of three weeks from today with a web copy of the order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari Vs. the state of Bihar) and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the directions contained in the the order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. The State of Bihar).

**(Satyavrat Verma, J)**

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