

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55829 of 2023

Arising Out of PS. Case No.-489 Year-2022 Thana- SULTANGANJ District- Patna

Md. Farhat Bashir Khan S/O Late Md. Bashiruddin Khan R/O Village-
Murwaut Pur, P.S- Desri, Mahnar, Distt.- Vaishali, At Present Resident Of
Mohalla- Naugarwa Sultanganj, P.S- Sultanganj, Distt.- Patna, 800006.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kumar, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 20-02-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The learned counsel for the submits that petitioner
seeks bail in a case registered under Section 406, 420, 34 and
504 of the IPC read with section 138 of the N.I. Act.

3. The learned counsel next submits that it is a settled
principle of law that an FIR is not maintainable in connection
with cheque bouncing cases as has been held by this Court in
the case of **Hemant Kumar Das & Anr. Vs. The State of
Bihar 2018 (4) PLJR 725.**

4. At this stage, the learned APP submits that the
offences for which the instant FIR has been instituted carries
punishment of seven years and less. The said submission of the
learned APP is not disputed by the learned counsel for the



petitioner.

5. In view of the submission made by the learned APP the anticipatory bail application is disposed of in terms of the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. The State of Bihar).

6. The petitioner would be at liberty to file a representation before the concerned Superintendent of Police and the Investigating Officer of the case with a web copy of the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 within a period of three weeks from today and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the direction contained in the order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. The State of Bihar).

(Satyavrat Verma, J)

Prakash Narayan

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