

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77403 of 2023

Arising Out of PS. Case No.-247 Year-2023 Thana- LALGANJ District- Vaishali

Sanjay Kumar Tiwary @ Sanjay Kumar Tiwari Son of Sri Narayan Tiwary
Resident of village - Garauna, P.O.- Sirsa, P.S.- Lalganj, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Devendra Kumar Son of Late Bindeshwar Rai Resident of Village -
Aaitwarpur, Sisaula, P.S.- Lalganj, District - Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Nibash Prasad

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 19-06-2024 Heard learned counsel for the petitioner, learned APP
for the State and the learned counsel appearing on behalf of the
informant.

2. The learned counsel for the petitioner at the outset
submits that the law is well settled that with respect to an
offence under Sections 138 of the Negotiable Instrument Act an
FIR cannot be instituted, rather a complaint is maintainable in
terms of Section 142 of the N.I. Act, 1881 and for the said
proposition relied on the case of Hemant Kumar Das & Another
vs. The State of Bihar reported in 2018 (4) PLJR 725.



3. 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 appearing on behalf of the petitioner and the informant.

4. The learned counsel for the petitioner further submits that the investigation of the case is still pending, on which the learned APP submits that since investigation of the case is still pending, in that event, the anticipatory bail application be disposed of in terms of order dated 13.02.2024 in Cr. Misc. No.3536 of 2024 (Naushad Ansari vs. The State of Bihar).

5. In view of the submissions 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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