

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3849 of 2024**

Arising Out of PS. Case No.-05 Year-2020 Thana- RAJAPAKAR District- Vaishali

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1. Tinku Verma @ Brajkishore Verma son of Kesari Verma alias Kiran Verma Resident of Village Rajapakar Chakrajo, P.S.- Rajapakar, District- Vaishali
  2. Suman Verma Wife of Krishna Kishore Verma Resident of Village Rajapakar Chakrajo, P.S.- Rajapakar, District-Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajdev Ray Son of Late Jagdish Ray Resident of Village Baikunthpur, P.S.- Rajapakar, District- Vaishali

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Suryakant Kumar, Adv.  
For the Opposite Party/s : Mr. Lalan Kumar, APP

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

2      13-02-2024                      1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Rajapakar P.S. Case No.05/2020, dated 06.01.2020 registered for the offence punishable under Sections 406, 420 and 34 of the Indian Penal Code & Section 138 of the N.I. Act.

3. The learned counsel for the petitioner at the outset submits that the law is well settled that an FIR is not maintainable in respect of an offence committed under section 138 of the N.I. Act and for the said proposition relies on the case of **Hemant Kumar Das & Anr. vs. State of Bihar**



reported in **2018 (4) PLJR 725**.

4. The learned APP submits that the offence for which the instant F.I.R. has been instituted carries punishment of seven years and less.

5. In view of the submission made by the learned APP the anticipatory bail application is disposed of.

6. The petitioner would be at liberty to file a representation before the Investigating Officer of the case with a copy of the order dated 13.02.2024 in Cr. Misc. No.3536/2024 (Naushad Ansari vs. State of Bihar) and the Investigating Officer of the case shall strictly adhere to the direction contained in the said order.

**(Satyavrat Verma, J)**

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