

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18875 of 2019

Arising Out of PS. Case No.-1326 Year-2014 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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RANJIT SAH Son of Hans Lal Sah Resident of Village- Akorhi, P.O. and
P.S.- Ramgarh, District- Kaimur (Bihar)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Aftab Ahmad Son of Mokhtar Ahmad, Proprietor, Mubarak Enterprises,
Ramgarh Resident of Village and P.O. and P.S. - Ramgarh, District- Kaimur
(Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Prasad Sinha
For the Opposite Party/s : Mr.Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

9 29-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 1326 of 2014 registered for the
offence punishable under Section-138 of Negotiable Instrument
Act and also under Section-420 of the Indian Penal Code.

3. Allegedly, the complainant being a manufacturer of
biscuits, used to provide biscuits to the petitioner and the
petitioner used to sell the same. It is further case of the
complainant that the petitioner handed over a cheque of Rs.
1,70,000/- in lieu of payment of biscuits but the said cheque



became bounced.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has committed no offence. He is a person of clean antecedent. The complaint petition itself shows that the petitioner is a businessman and he is engaged in sale and purchase of the biscuit whereas the complainant is a manufacturer of biscuits. Both had business relation. As per submission of learned counsel for the petitioner, the complainant procured a blank cheque from the petitioner in lieu of security for the transactions relating to the business and later on, he used the said blank cheque for implicating the petitioner in false and fabricated case. Learned counsel has also submitted that the complaint petition is barred by *proviso* (b) of Section-138 of Negotiable Instrument Act since the legal notice was given to the petitioner after a lapse of five months from the date of receiving the information of dishonour of cheque. As per clause (b) of *proviso* of Section 138 of Negotiable Instrument Act, the legal notice must have been given within a period of 30 days from reception of the information of dishonour of the cheque.

5. Learned counsel appearing for the State has opposed the prayer for bail.



5. Considering the aforesaid facts and circumstances, let the petitioner named above, in the event of arrest/surrender within four weeks before the court below be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Kaimur, Bhabua in connection with Complaint Case No. 1326 of 2014 subject to the conditions as laid down u/S 438(2) of the Cr.P.C.

(Nawneet Kumar Pandey, J)

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