

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68585 of 2024

Arising Out of PS. Case No.-282 Year-2024 Thana- DAUDNAGAR District- Aurangabad

Parasnath Prasad S/o Chandreshwar Prasad R/o Village- Tarar, P.S.- Tarar,
Aurangabad, Pin 824143, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhiraj Kumar S/o- Sri Vakil Singh, R/o-village-Nagwan, Post- Purenea, PS-
Kinjar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Singh

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 09-04-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The learned counsel for the petitioner submits that
petitioner seeks anticipatory bail in connection with Daudnagar
P.S. Case No. 282 of 2024 for the offences punishable under
Sections 406 and 420 of the Indian Penal Code and Section 138
of the Negotiable Instrument Act.

3. The learned APP, at the outset, submits that the
offences for which the instant FIR has been instituted, carries
punishment of less than seven years, the said submission of the
learned APP is not disputed by learned counsel appearing on
behalf of the petitioner.



4. The learned counsel for the petitioner submits that investigation in the case against the petitioner is continuing but then the petitioner has not been given notice under Section 41(A) of the Cr.P.C, on which the learned APP submits that the case be 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. 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).

6. 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 order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar).

7. At this Stage, the learned counsel for the petitioner



submits that the law is well settled that with respect to an offence under Section 138 of Negotiable Instrument Act, an FIR cannot be instituted, rather a complaint is maintainable in terms of Section 142 of N.I Act and for the said proposition, relies on the case of *Hemant Kumar Das & Anr. vs. The State of Bihar, 2018 (4) PLJR 725*. It is next submitted that this amply demonstrates that how police in mechanical manner institutes FIR even without appreciating the law.

(Satyavrat Verma, J)

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