

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83667 of 2024

Arising Out of PS. Case No.-72 Year-2017 Thana- BUXAR INDUSTRIAL District- Buxar

Ajay Singh Son of Markande Singh Resident of village - Nadaon Police
Station - Buxar (M), Dist- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Santosh Kumar Singh S/o- Surendra Pratap Singh, R/o- C-15, Industrial
Area, P.S.- Buxar (Ind.), Dist.-Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-04-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406 and
420 of the Indian Penal Code as well as Section 138 of the
Negotiable Instruments Act, 1881.

3. Learned counsel for the petitioner at the outset
submits that the offences for which the instant FIR has been
instituted carry punishment of seven years and less. It is further
submitted that the police, during course of investigation, issued
notice to the petitioner under Section 41(A) of the Cr.P.C. It is
next submitted that petitioner cooperated with the police during
the course of investigation, as such, the police never felt the



need of arresting the petitioner. It is also submitted that the law is well settled that an FIR cannot be instituted with respect to an offence alleged to have been committed under Section 138 of the Negotiable Instruments Act, rather a complaint is maintainable in terms of Section 142 of the Negotiable Instruments Act, 1881 and for the said proposition learned counsel for the petitioner relies on the case of Hemant Kumar Das & Anr. Vs. The State of Bihar reported in 2018(4)PLJR 725. It is submitted that in the nature of allegation, prima facie, no offence under Sections 420 and 406 of the Indian Penal Code is made out and Section 138 of the Negotiable Instruments Act is a bailable offence. It is further submitted that the police after investigation submitted charge-sheet based on which cognizance came to be taken, as such, the petitioner apprehends his arrest. It is next submitted that petitioner will not abscond rather will cooperate in the trial to prove his innocence.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner and the fact that the police, during the course of investigation, never felt the need of arresting the petitioner, as such, let the petitioner above-named, in the event



of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Buxar (Industrial Area) P.S. Case No. 72 of 2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

