

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87903 of 2024**

Arising Out of PS. Case No.-390 Year-2024 Thana- MADANPUR District- Aurangabad

Pramod Singh Son of Kamta Singh Resident of Village- Rachhaul, P.S.-
Madanpur, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Singh

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 30-07-2025 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 offence under Sections 316(2)/318(4) of the Bhartiya Nyaya Sanhita, 2023 and Section 138 of the N.I.Act.

3. As per the prosecution case, the informant supplied coal to this petitioner for use in brick-kiln worth Rs. 18,94,000/- and when he demanded his money, the petitioner gave two cheques of Rs. 10,00,000/- and Rs. 8,94,000/-, but both cheques were dishonored due to insufficiency of fund in petitioner's account.

4. Learned counsel for the petitioner submits that



petitioner is quite innocent and has committed no offence. He further submits that the offence, as alleged in the F.I.R., constitutes an offence under Section 138(A) of the N.I.Act, for which, only a complaint can be filed. He next submits that for the same offence, the informant has already filed a complaint, vide Complaint Case No. 631 of 2024, in the court of learned S.D.J.M., Sherghati (Gaya), in which, cognizance has been taken against this petitioner and notices were issued and thereafter, for the same set of occurrence, this F.I.R. has been lodged, which is not maintainable in the eye of law. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State has opposed the bail petition.

6. Considering the fact that for the same offence, complaint has already been filed wherein cognizance has been taken and clean antecedent of petitioner, let the above named petitioner, in the event of arrest/surrender within a period of eight weeks from today, be enlarged 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 C.J.M., Aurangabad (Bihar) in connection with Madanpur P.S. Case No. 390 of 2024, subject to condition as laid down under Section 482(2) of



the Bhartiya Nagrik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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