

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34422 of 2025

Arising Out of PS. Case No.-2986 Year-2017 Thana- SARAN COMPLAINT CASE District-
Saran

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Md. Tamimul Huk @ Tamimul Huk S/O Haider Ali, R/O Village-
Majhwaliya, PS- Murhurah, District Saran. Petitioner/s
Versus

1. The State of Bihar.
2. Sunil Kumar Sharma S/O Late Banarasi Sharma R/O Village- Methwaliya,
PS-Chhapra Muffasil, Distt-Saran.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alka Panday, Advocate
For the Opposite Party/s : Mr.Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 08-01-2026 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in

connection with Complaint Case No. 2986 of 2017 (Trial No.

36/2025) registered for the offences punishable under Section

406 of the Indian Penal Code and Section 138 of N.I. Act

3. As per complaint petition, the three different cheques

which was issued for sum of Rs. 5 lacs and two for 50,000/- each

was dishonoured on presentation, as same was issued from

dormant account.

4. It is submitted by learned counsel appearing on

behalf of the petitioner that upon perusal of complaint petition, it is



clear that even notice was not issued against petitioner *qua* dishonour of the cheques by the complainant at any point of time. The present complaint case is also not appears supported by affidavit which appears in violation of ***Priyanka Srivastava and Another Vs. State of Uttar Pradesh and Others*** reported through ***(2015) 6 SCC 287***. It is also pointed out that the compliance of Section 142 of Negotiable Instrument Act appears completely ignored while filing complaint petition.

5. Arguing further, it is submitted that it may be a case of recovery of money for which the present criminal complaint case is completely unoccasioned and was filed by ignoring the different provisions of law and statute as established.

6. Mr. Nawal Kishore Singh, learned counsel appearing for the complainant/opposite party no. 2, while opposing the prayer of bail submitted that the allegation is specifically available against this petitioner and he approached this Court after seven years of filing the complaint.

7. Contrary to the aforesaid submission, it is pointed out by learned counsel appearing for the petitioner that earlier the petition for anticipatory bail of petitioner was dismissed in default by this Court, which is duly mentioned in paragraph no. 2 of the bail petition and, thereafter, this petitioner again approached



before the learned trial court and again his prayer of anticipatory bail was rejected vide order dated 04.03.2025 only against which present petition was preferred. Statement was made at bar by learned counsel that till date neither NBW nor a process under 82 of Cr.P.C. initiated against petitioner.

8. Taking note of aforesaid factual submission and by considering the fact that the present complaint appears lodged by ignoring the mandatory provisions of Section 142 of N.I. Act, where averments appears made without supporting affidavit, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-9th, Saran, Chapra/concerned Court, where the case is pending in connection with Complaint Case No. 2986 of 2017 (Trial No. 36/2025) subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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