

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59483 of 2023

Arising Out of PS. Case No.-558 Year-2021 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Ranjit Singh Son Of Late Bishwanath Singh Resident Of Village- And Po-
Kathiya, Ps- Kathiya, Distt- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saroj Kumar Singh Son Of Kishori Singh Resident Of Village- And Po-
Kathiya, Ps- Kathiya, Distt- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Kumar
For the Opposite Party/s : Mr. Anil Kumar

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 13-07-2026 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the opposite party

no. 2.

2. The order under challenge is the order dated
25.07.2023 passed by the learned Additional District and
Sessions Judge-XIXth, Muzaffarpur in Criminal Revision No.
54 of 2022 affirming the order dated 05.10.2021 passed by the
learned C.J.M., N.I. Act, Muzaffarpur, finding a prima facie case
under Section 138 of the N.I. Act against the petitioner.

3. Learned counsel for the petitioner submits that false
allegations have been levelled against the petitioner and the
present case is merely a counter blast of one Complaint Case



No. 71 of 2021, lodged by the petitioner against the complainant, which is Annexure-P/3, wherein it has been stated that it was the complainant of the present case i.e. opposite party no. 2, who had taken a cheque from the present petitioner in the name of getting a job for his son and got it bounced subsequently. It has also been submitted that the legal notice was not sent within the stipulated time period of 30 days which has not been considered in its correct perspective.

4. Learned counsel for the opposite party no. 2, however, points out that a limitation petition had also been filed before the court concerned and since the cheque was dishonored due to insufficiency of funds, the present case is made out against the petitioners. It has also been submitted that the original order taking cognizance has been affirmed by the revisional court and there is no illegality in the same. It is further pointed out that the case has reached the stage of explaining of accusation and as such, is ready for trial. It is informed that the mediation proceedings had also failed between the parties on account of the fact that the petitioner refused to make payment to the opposite party no. 2.

5. Taking into consideration all the above-mentioned facts and circumstances, this Court is of the view that there



appears to be no apparent illegality in the original or the revisional order and further considering that accusations have already been explained, this Court is not inclined to interfere in the matter, as such, the present application stands dismissed.

(Soni Shrivastava, J)

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