

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86403 of 2025

Arising Out of PS. Case No.-1817 Year-2024 Thana- COMPLAINT CASE District- Araria

Md. Naurez Alam @ Md. Noured Alam Son Of Md. Shamsad Alam @ Md.
Shamsad Resident Of Village - Gogi Pothiya, Ward No.- 12, P.S.- Simraha,
District - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ujala Perween Wife of Tauqueer Alam R/o village - Gogi Pothiya, Ward
No.- 13, P.S.- Simraha, District - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Naushaduzzoha, Advocate
For the State	:	Md. Aslam Ansari, APP
For the O.P. No. 2	:	Mr. Gopal Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 06-04-2026 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the O.P. No. 2.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 1817 C of 2024, filed
for the offences punishable under Sections 115(2), 318(4) and
316(2) of B.N.S. and Section 138 of N.I. Act.

3. As per allegation, the complainant paid Rs.
4,50,000/- to the accused-petitioner for investing in meat factory
to get 50% of the profit earned by the petitioner. Thereafter, Rs.
15,000/- was received by the complainant from the petitioner
towards the profit and thereafter, nothing was being paid to her
and on demand, the petitioner issued one cheque of Rs.
4,50,000/-, but the same has got dishonored.



4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that no money has been received from the complainant. Rs. 4,50,000/- was received from the brother-in-law of the complainant i.e. Nayyar @ Nayyar Alam in cash, however, the same has been returned to him in cash.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State and learned counsel for the complainant vehemently oppose the prayer of the Petitioner for bail submitting that the complainant has given Rs. 4,50,000/- to the petitioner in cash and hence, he has issued one cheque in her favour, but the same has got dishonored.

8. By way of reply, learned counsel for the petitioner submits that a blank cheque was given to the brother-in-law/ Nayyar @ Nayyar Alam of the complainant and that cheque is being misused by the complainant.

9. In view of submissions of the parties, it appears that basically there is case of dishonour of cheque or non-payment of



the loan, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with 1817-C of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S 2023, and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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