

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24490 of 2015

Arising Out of PS.Case No. -115 Year- 2015 Thana -SHASTRINAGAR District- PATNA

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1. Manish Pandey son of Sri Bijay Kumar Pandey resident of Flat No. 201/202 Gaurangni Apartment Chouhadary, Pada District - Howrah, at present resident of 1st Floor Jagtarani Kunj, Brahm Asthan Gali Raza Bazar, P.S.- Shastri Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Narsing Tanti(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 17-07-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The accusation against the petitioner is that he took huge amount from the complainant through cash as well as cheques and when cheques were produced before the concerned bank, the said cheques were got bounced.

The contention on behalf of the petitioner is that even if prosecution story assumed to be true, then also, the amount in question was taken in course of business transaction and moreover, the informant was business partner of one Kunti Devi which is evident from perusal of Annexure-2 to this petition. It is also pointed out on behalf of the petitioner that section 138 of

Negotiable Instrument Act is not applicable in the present case because according to the prosecution case itself, the present case was filed without giving legal notice to the petitioner and so far as section 420 of the Indian Penal Code is concerned, according to prosecution case itself, the amount in question was given in business transaction.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class , Patna in connection Shastri Nagar P.S.Case No. 115 of 2015.

Namita/-

(Hemant Kumar Srivastava, J)

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