

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8130 of 2015

Arising Out of PS.Case No. -337 Year- 2014 Thana -SABOUR District- BHAGALPUR

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1. Avinash Kumar Poddar Son of Late Naresh Poddar Resident of Village -
Mirjapur, P.S. - Sabour, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Rajendra Singh Shastrijee (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-03-2015 Heard both sides.

The petitioner apprehends his arrest in Sabour P.S. Case
No. 337 of 2014, registered for the offences punishable under
Sections 406, 420 and other Sections of the Indian Penal Code and
Section 138 of the N.I. Act.

The informant made allegation that the petitioner took
money from him on different dates since 2008, but did not return
the same. The petitioner gave a cheque, but the same was
dishonoured.

Learned counsel for the petitioner submits that the
petitioner is a L.I.C. agent and informant is a development officer
of L.I.C. The petitioner did not borrow any money from the
informant. During the course of business transaction the informant

took a cheque from the petitioner and misused the same. No procedure has been followed to lodge the case under Section 138 of the N.I. Act.

It appears that the informant alleged that the petitioner took money from the informant on different dates, but the informant did not show any chit of papers for giving money to the petitioner whereas the petitioner has denied to receive any money.

Considering the facts aforesaid the petitioner, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to 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 the learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 337 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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