

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34232 of 2014

Arising Out of PS.Case No. -119 Year- 2013 Thana -KASIMBAZAR District- MUNGER

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Munna Yadav, Son of Shri Brij Prasad Singh ,Resident of Village-Barun,
P.O.-Barun, P.S.-Buxar, District-Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 12-02-2015

Heard both sides.

The petitioner apprehends his arrest in a case registered under Section 420 and other sections of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

In sum and substance, the allegation against the petitioner is that he took JCB machine on hire with an agreement to pay Rs.85,000/- per month. The petitioner issued cheques to informant-Raja Ram Yadav, but when the cheques were presented, the same were dishonoured.

It is submitted that the dispute is of civil nature. No notice was given to the petitioner with regard to dishonouring of the cheques. Section 138 and onwards of the Negotiable Instruments Act could not be attracted since the informant did not give any notice to the petitioner before lodging of the F.I.R.

Mr. Ajit Kumar Singh, learned counsel for the informant, while opposing the prayer for bail, submits that the petitioner intentionally duped the informant and that it must be a case of breach of agreement and dishonouring of cheques.

Considering the facts aforesaid and that the dispute is of civil nature, the above named petitioner, in the event of his arrest or surrender before the learned 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger, in connection with Kashim Bazar P.S. Case No.119 of 2013 (G.R. No.1578/2013), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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