

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42359 of 2015

Arising Out of PS.Case No. -181 Year- 2014 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Vikash Kumar S/o Mukund Prasad Singh Resident of Village Manjhwe,
Police Station Hisua, District Nawada. At present Jugalkunj Rajgir, Police
Station Rajgir, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nagendra Kumar, S/o Sri Vinay Kumar Singh, village- Sabalpur, P.S.
Rajgir Dist- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Raj Kishor Prasad, Adv.

For Opposite Party No.2 : Mr. Anil Chandra, Adv.

For the State : Mr. Nand Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-10-2015 Heard Mr. Krishna Prasad Singh, learned Senior

Counsel for the petitioner, Mr. Anil Chandra, learned Counsel for
the complainant and Mr. Nand Kishore Prasad, learned Additional
Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 181-C of 2014 registered under Sections
406, 420 of the Indian Penal Code and 138 of the Negotiable
Instruments Act, 1881.

It is contended that the petitioner was kidnapped on
20th July, 2013 by one Jay Prakash Kumar and others and his
signature had been forcibly taken on the cheque in question for
which Rajgir P.S.Case No. 108 of 2013 was registered and on

completion of investigation, the Police have already submitted charge sheet in that case. It is further contended that the petitioner had not taken any loan from the complainant.

On the other hand, learned counsel for the complainant has vehemently opposed the prayer for grant of pre-arrest bail. He has submitted that the petitioner is a habitual offender and the police case instituted by him was with a motive to create defence in order to save himself from a genuine and bonafide prosecution.

Be that as it may, regard being had to the nature of allegation and the facts and circumstances of the case, in the event of arrest or surrender before the court below within four weeks from today, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Nalanda at Bihar Sharif in connection with Complaint Case No. 181-C of 2014, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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