

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48880 of 2015

Arising Out of PS.Case No. -428 Year- 2015 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Sujit Kumar Singh S/o Suresh Singh, resident of vill. - Nawada, P.S. - Kotwa, District - East Champaran.
2. Abhisekh Kumar Singh @ Abhisek Kumar, S/o Sita Ram Singh, resident of village - Har Natha, Paraswni, P.S. - Pakaridayal, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kundan Pratap Singh, S/o Kedar Nath Singh, resident of vill. - Kansari, P.S. - Gaurichak, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Babu Singh

For the Opposite Party/s : Mr. Durgesh Nandan(App)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 09-11-2015 Heard learned counsel for the petitioners and the State as well as learned counsel appearing for the Informant.

The petitioners apprehend their arrest in a case under sections 406, 420 and 506 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

It is alleged that the cheque issued by the petitioners for a sum of Rs.4,25,000/- has been dishonoured.

The petitioners submit that they do not deny the agreement with the informant. They submit that at the time of giving money, the informant took pre-receipted cheque from them. They submit

that they have returned all the money except for a sum of Rs.62,500/-, as would be evident from Annexure-2.

Learned counsel for the informant refutes the submissions of the petitioners.

Considering the facts and circumstances of the case, the petitioners are directed to be released on anticipatory bail, in the event of their arrest/surrender, on furnishing bail bonds of Rs.5,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran, Motihari in Motihari Town P.S. Case No.428 of 2015 subject to the following conditions:

- (i) The petitioners would deposit a sum of Rs.70,000/- in the court below within a period of six weeks from today;
- (ii) In case the petitioners fail to deposit the aforesaid amount, the learned trial court would take steps to cancel their bail bonds.

(Samarendra Pratap Singh, J)

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