

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13331 of 2015

Arising Out of PS.Case No. -806 Year- 2009 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Shubhra Pandey @ Subhra Pande daughter of Santosh Bawara, resident of Quarter No.77, D Type Bangla, Dalmiya Nagar, P.O.- Dalmiya Nagar, P.S- Dihari(Nagar), District-Rohtas At present Mohalla- Aadarsh Colony, Kidwaipuri (Patna), P.S.- Buddha Colony, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajeshn Kumar@ Rajesh Singh S/o Rabindra Singh village - Dhawan, P.O. Durgadih, P.s. Bikramganj, District- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indu Shekhar Dwivedi

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

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 02-09-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Complaint Case No. 806 of 2009 in which cognizance has been taken under sections 406 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

It is contended that Section 138 of the Negotiable Instrument Act is bailable in nature and the ingredients of the offence alleged under Section 406 of the Indian Penal Code would not be attracted in the facts and circumstances of the case.

On the other hand, learned counsel for the

complainant has vehemently opposed the prayer for bail. He has submitted that the petitioner had issued a cheque in the name of the complainant for an amount of Rs. 1,50,000/- which, on presentation before the bank ,got dishonored.

Regard being had to the nature of the offence and the defence taken by the petitioner, 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 learned Judicial Magistrate, Bikramganj, District Rohtas in connection with Complaint Case No. 806 of 2009, Trial No. 1266 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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