

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42496 of 2015

Arising Out of PS.Case No. -513 Year- 2015 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

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Rajesh Kumar Chauhan @ Rajesh Kumar S/o Mohan Lal, resident of
Mohalla- Tin Laltain Chowk, P.S. Bettiah Town, District West Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Shah Mohammad S/o Late Shahid Quraishi, resident of Mohalla Tin Laltain Chowk, Bettiah Town, P.S. Bettiah Town, District West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Arun Kr. Pandey , APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-10-2015 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant.

The petitioner seeks pre-arrest bail in connection with
Bettiah Town P. S. Case No. 513 of 2015 registered under
Sections 406 and 420 of the Indian Penal Code and Section 138
of the Negotiable Instruments Act.

It is contended that even if the entire allegation made
in the FIR is believed to be true, the same would not attract the
ingredients of the offence punishable under Sections 406 and
420 of the Indian Penal Code. At best, a case under Section 138
of the Negotiable Instruments Act would be made out which is

bailable in nature.

On the other hand, learned counsel for the informant has vehemently opposed the prayer for grant of anticipatory bail to the petitioner. He has submitted that there is a clear allegation that due to old acquaintance, the petitioner demanded Rs.27.5 lakhs from the informant in the name of investment in business. However, on demand, he failed to repay the amount and issued several cheques. On being presented a cheque issued by the petitioner for an amount of Rs.3 lakh, got dishonoured due to insufficiency of fund.

Be that as it may, regard being had to the nature of allegation, in the event of arrest or surrender before the court below within six 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 Chief Judicial Magistrate, West Champaran at Bettiah in Bettiah Town P. S. Case No. 513 of 2015, 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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