

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46787 of 2015**

Arising Out of Complaint Case No.2573(c), Year- 2013 District- PATNA

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Shyam Babu Rai @ Shyam Babu Yadav, son of late Yamuna Yadav,  
Resident of Mohalla- Purani Kankarbagh Gate No. 14, P.S Patrakar Nagar  
District Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Ashish Tripathi, Son of shri Narendra Tripathi, Resident of Mohalla-  
West Ashok Nagar, Road no. 1, P.S Kankarbagh, Patna.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bijendra Prasad Sinha, Adv.

For the State : Mr. Satyendra Narayan Singh, (APP)

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**  
**ORAL ORDER**

2      02-11-2015                      Heard learned counsel for the Petitioner and the State.

The Petitioner seeks anticipatory bail in a case  
instituted for the offence under Sections 406 of the Indian Penal  
Code and Section 138 of Negotiable Instruments Act.

Considering that there is nothing on record to show  
that the Petitioner issued the Cheque and it was in fact his wife  
was done so, let the Petitioner in the event of surrender, named  
above, within four weeks from the date of receipt of this order, in  
connection with Complaint Case No. 2573(C) of 2013, shall be  
released on anticipatory bail on furnishing bail bond of Rs.5,000/-  
(Five thousand) with two sureties of the like amount each or any  
other surety to be fixed by the Court concerned to the satisfaction

of Sri Satya Priya Anand, Judicial Magistrate, 1<sup>st</sup> Class, Patna, subject to the following conditions: (i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner. (ii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse. (iii) That the Petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse. (iv) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

S.Ali/-

**(Anjana Prakash, J)**

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