

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56863 of 2015

Arising Out of PS.Case No. -3465 Year- 2010 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

=====

1. Sakaldip Yadav @ Sakaldiip Kumar Yadav son of Sri Sadanand Yadav
2. Sadanand Yadav son of Late Adhin Lal Yadav Both are residents of
Village Bhatwara, Police Station Korha, Distt- Katihar.

.... Petitioners

Versus

1. The State of Bihar
2. Vikram Thakur son of Nand Kishore Thakur, resident of Mirchaibari,
Police Station and District Katihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Narayan Singh, Sr.Adv.
Mr. R.N.Podddar, Adv.

For the Opposite Party/s : Mr. U.S.P Singh (App)

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

3 09-03-2016 Heard learned counsel, appearing on behalf of the

petitioners, and the learned Addl. Public Prosecutor, appearing on

behalf of the State.

This application for grant of anticipatory bail arises out of

Complaint Case No. 3465/2010, disclosing offences under

sections 406, 420 of the Indian penal Code and section 138 of the

Negotiable Instruments Act.

Learned Senior counsel for the petitioners submits that a

non-bailable warrant of arrest has been issued by the learned

Judicial Magistrate, 1st Class, Katihar on 10.3.2015 and

accordingly, the petitioners have reasonable apprehension of

arrest. He further submits that the cheque issued under the

signature of petitioner no.2 has not been dishonoured because of insufficiency of fund and therefore, no offence under section 138 of the Negotiable Instruments Act is made out. He further contends that the complaint case has been maliciously instituted by the complainant in order to settle the matter arising out of business dispute.

Considering the submissions, as above, this application is allowed.

Let the petitioners, abovenamed, in the event of their arrest/ surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar in Complaint Case No. 3465/2010, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioners shall present themselves before the police/ court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

U			
---	--	--	--

