

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21295 of 2016

Arising Out of PS.Case No. -210 Year- 2015 Thana -BAKHTIYARPUR District- PATNA

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Ajit Kumar @ Ajit Kumar Lal Son of Kantash Prasad, resident of Village-
Parshuram Chak, P.S. Kahalgaon District Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the State : Mr. Satyendra Prasad, APP

For O. P. No. 2 : Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

5 31-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Bakhtiyarpur P. S. Case No. 210 of 2015 registered under
Sections 420 and 406/34 of the Indian Penal Code and Section
138 of the Negotiable Instruments Act, 1881.

It is contended by the learned counsel for the
petitioner that from perusal of the FIR, it would be evident that
a wild and ornamental allegation has been made against the
petitioner and there was no occasion for the petitioner to come
to the hose of the informant at Bakhtiyarpur from New Delhi. It
is further contended that the ingredients of the offence

punishable under Sections 420 and 406 of the Indian Penal Code are not attracted in the present case and Section 138 of the Negotiable Instrument Act is bailable in nature.

Learned counsel for opposite party no. 2 has opposed the application for grant of pre-arrest bail to the petitioner. He has submitted that the petitioner has cheated the informant of the present case and had taken Rs.3,32,000/- from him on the pretext of supplying machinery items to him, and, thereafter, neither the machinery were provided, nor the amount was returned.

Be that as it may, regard being had to the nature of the 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 Additional Chief Judicial Magistrate, Barh, District- Patna in Bakhtiyarpur P. S. Case No. 210 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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