

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29854 of 2016

Arising Out of PS.Case No. -986 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Manoj Pathak S/o Mukti Pathak			Petitioner/s
	Versus		
State of Bihar & Anr			Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Nath

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

For the complainant: Mr. Raghunandan Kr. Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 06-09-2016 Heard the learned counsel for the petitioner, the

learned counsel for the complainant and the learned Additional

Public Prosecutor.

The petitioner apprehends his arrest in Complaint
case No. 986 of 2014 under Section 420, 34 of the Indian Penal
Code and under Section 138 of N.I. Act.

The complainant alleged that petitioner took Rs. 6
lacs from him for the purpose of providing him job but neither
petitioner provided him job nor returned the money. When the
complainant demanded his money the petitioner issued six
cheques out of which the complainant presented two cheques,
which were dishonoured.

It is submitted that Section 138 of N. I. Act is
bailable and proceeding under Section 138 of N.I. Act is quasi

civil in nature in which the complainant has every right to recover the amount, double of the cheque amount as fine. It is submitted that petitioner also gave a notice to the complainant that he issued cheques for getting hills.

The learned counsel for the complainant as well as the learned Additional Public Prosecutor, on the other hand, vehemently opposed the prayer for anticipatory bail.

Considering the facts aforesaid and the nature of allegations made against the petitioner and the fact that complainant has remedy under N. I. Act to recover the amount with fine , the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram in Complaint Case No. 986 of 2014, Tr. No. 372 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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