

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42263 of 2016

Arising Out of PS.Case No. -644 Year- 2015 Thana -LAKHISARAI District- LAKHISARAI

1. Prem Kumar @ Pappu Yadav Son of Uma Shankar Prasad
2. Uma Shankar Prasad Son of Late Ramdhari Prasad Yadav both residents
of village - Anandpur, P.S. - Suryagarha, District - Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bharat Lal

For the Opposite Party/s : Mr. Kanhaiya Kishore

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

2 05-10-2016

Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Lakhisarai Police Station Case No. 644 of
2015, disclosing offences under Sections 420/467/468/323/
504/34 of the Indian Penal Code.

This First Information Report is based on a
complaint case, lodged by the informant, Parshuram Singh,
who has described himself to be the Manager of Kumar
Enterprises and Company, Lakhisarai.

The informant's case is that in the light of
certain agreement between petitioner no. 1 and the said
Enterprises, which deals with Escorts Tractors, the

petitioner no. 1 had given two cheques, worth Rs. 55,000/- and Rs. 1,50,000/-, which, on presentation, got dishonoured.

Learned Counsel for the petitioners has submitted that no case under Section 138 of the Negotiable Instruments Act is made out and, therefore, no such case has been instituted. According to him, the said cheques were given to Mahindra Finance Company, as security, from where the petitioner no. 1 had taken advance for purchase of a tractor, from the Kumar Enterprises. Mahindra Finance Company had given the said two cheques to the informant for the purpose of same being handed over to the petitioner no. 1. Instead of doing that, the informant put certain amount on the said cheques, presented the cheques fraudulently.

Learned Counsel for the petitioners has submitted that lodging of the present First Information Report is malicious and in any event, dispute is apparently civil in nature.

Considering the above submissions, this application is allowed.

Let the petitioners, namely, Prem Kumar @ Pappu Yadav and Uma Shankar Prasad, in the event of their arrest or surrender before the Court below within six

weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Lakhisarai Police Station Case No. 644 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

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.)

Prabhakar Anand/-c

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