

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2228 of 2016

Arising Out of PS.Case No. -292 Year- 2015 Thana -ARA NAWADA District- BHOJPUR

Indrajeet Upadhyay, son of Sarayu Upadhyay, Proprietor I/s Om Shankar Construction Pvt. Ltd. Maulabagh, Nala Road, Ara, P.S. - Ara, Nawada, District - Bhojpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 18-01-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Ara Nawada P.S. Case No. 292 of 2015 registered under Sections 406, 420 and 120-B of the Indian Penal Code.

It is contended that no offence under Sections 406, 420 or 120-B of the Indian Penal Code is made out in the present case against the petitioner who is one of the account holder of the bank in question. Even as per the complaint, the complainant has admitted his signature on cheque on the basis of which the alleged money was transferred from one bank to another and

under the Negotiable Instruments Act, 1881. Hence, the presumption would be in favour of the person in whose favour the cheque has been issued.

Learned counsel for the State has opposed the application for grant of anticipatory bail.

Be that as it may, regard being had to the nature of allegation as also the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the petitioner 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 the learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Nawada P.S. Case No. 292 of 2015 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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