

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2739 of 2016

Arising Out of PS.Case No. -1246 Year- 2011 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Shatrudhan Dubey son of Sri Dwarika Dubey, resident of Mohalla-
Adarsh Nagar, Pandra, P.S. Pandra, District- Ranchi (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunil Singh, son of Sri Jitendra Prasad singh, resident of village- Bhaw
Pokhar, P.S.- Baghaila (Nokha), District- Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh
For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 12-04-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 1246 of 2011 registered under sections
420, 406 of the Indian Penal Code and 138 of the N.A. Act.

It has been contended that the cognizance of the
offence under Section 138 of the N.I.Act has already been set
aside by the Additional Sessions Judge, IV, Sasaram, Rohtas in
exercise of power conferred under Section 400 of the Code of
Criminal Procedure. It is further contended that the entire
allegation made in the complaint is based on oral agreement and
there is no documentary proof to support the case that the

complainant ever handed over his tractor to the petitioner.

On the other, learned counsel for the Complainant- Opposite Party No.2 has opposed the application. He has contended that the petitioner has issued a cheque of Rs.2 lakhs in the name of the complainant which got dishonoured on its presentation.

Be that as it may, regard being had to the nature of allegation, in the event of arrest or surrender before the court below within six weeks from today, the petitioner Shatrudhan Dubey 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, Rohtas at Sasaram in connection with Complaint Case No.1246 of 2011, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Pradeep/-

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