

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1164 of 2016

Arising Out of PS.Case No. -27218 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Haridwar Upadhyay son of Late Bindeshwari Upadhaya resident of
Mohalla - R.M.S. Colony, P.S. Kankarbagh, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Anuj Kumar son of Sri Ram Ittar Singh resident of Maurya Vihar
Colony, Transport Nagar, P.S. Agamkuan, District - Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar, Advocate
For the State : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

5 11-04-2016 Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the complainant.

The petitioner seeks pre-arrest bail in connection with
Complaint Case No. 27218(C) of 2014 registered under Sections
420 and 406 of the Indian Penal Code as well as Section 138 of
the Negotiable Instruments Act.

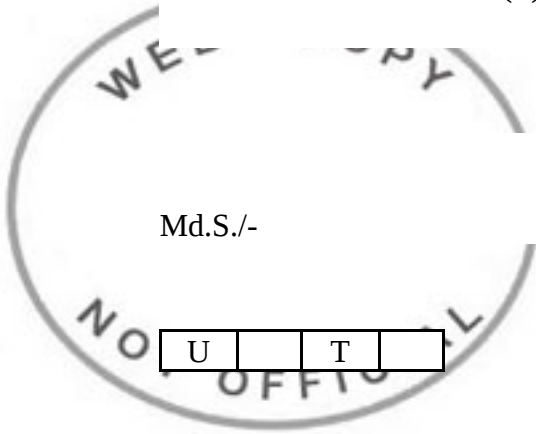
It is contended by the learned counsel for the petitioner
that for the allegations made in the complaint, the grievance, if
any, would have been to one Shaila Devi to whom the petitioner is
alleged to have sold the property. However, said Shaila Devi has
not filed any case against the petitioner. It is further contended that

the petitioner had no liability to pay any amount to the complainant and, thus, the ingredients of the offence punishable under section 138 of the Negotiable Instruments Act are not attracted. It is further contended that the petitioner has got roots in the society and is not likely to abscond or tamper with the evidence.

Learned counsel for the complainant has vehemently opposed the application for grant of pre-arrest bail to the petitioner. He has submitted that the petitioner had issued two cheques in the name of the complainant and on presentation both the cheques got dishonoured. Even on notice, the petitioner failed to make payment and, therefore, ingredients of the offence punishable under sections 420, 406 of the Indian Penal Code and 138 of the Negotiable Instruments Act are clearly attracted in the present case.

Be that as it may, regard being had to the nature of offence, in the event of arrest or surrender in the court below within four weeks from today, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Shri Anil Kumar, learned Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No. 27218(C)

of 2014 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



(Ashwani Kumar Singh, J)