

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49796 of 2016

Arising Out of PS.Case No. -640 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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1. Mahesh Pandit S/o Gurucharan Pandit resident of Village Ladaura, P.S. Kudhani (Turki O.P.), District Muzaffarpur Petitioner

Versus

1. The State of Bihar

2. Shiv Shankar Pandit S/o Jagarnath Pandit resident of Mohalla - Bibiganj Gumti P.S. Sadar, District Muzaffarpur Opposite Parties

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Appearance :

For the Petitioner : Mr. Rajeev Ranjan No.II, Adv.

For the Opposite Party : Mr. Indra Kumar Singh, APP 174

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

2 13-12-2016 Heard the learned counsel for the petitioner and the State.

This is a petition for grant of anticipatory bail for offence under Sections 406 and 420 of the Indian Penal Code and 138 of the Negotiable Instrument Act.

The petitioner had allegedly taken loan of Rs.2,13,000/- on the occasion of marriage of his daughter from the informant. The refund cheque, issued by the petitioner bounced.

Submission of the petitioner is that the offence under Section 138 of the Negotiable Instrument Act is bailable one and offence of the Penal Code is not made out as each and every bouncing of the cheque does not come under the purview of cheating.

Considering the aforesaid fact, the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Complaint Case No. 640 of 2014 (Tr. No. 5812 of 2015) to the satisfaction of Sri Amit Kumar Tiwari, Judicial Magistrate, 1st Class, Muzaffarpur, or successor Court subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Birendra Kumar, J)

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