

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 45212 of 2017

Arising Out of PS.Case No. -175 Year- 2017 Thana -CIVIL LINE District- GAYA

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Pramod Kumar Gupta, son of Narayan Sao, resident of Mohalla- Hanuman Nagar, Maranpur, in front of the house of Akela Ji, Police Station- Vishnupad, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Manish Kumar No-2, Advocate

For the S t a t e : Mr Sanjay Kumar Tiwary 1, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **19-09-2017** Heard learned counsel for the petitioner, informant and the learned APP for the State.

The informant has lodged a first information report alleging offences under Section 138 of the Negotiable Instruments Act and Sections 420, 406 of Indian Penal Code. The FIR was lodged on 26.04.2017.

Counsel for the petitioner submits that prior to lodging of the first information report, on 20.03.2017, the petitioner has already lodged a complaint case and that the FIR has been lodged by the informant as a counterblast to the said complaint case. It is further submitted that from perusal of the FIR, it would be apparent that none of the ingredients, as regards



the specific date as required under Section 138 of NI Act, are to be found. The petitioner is in custody since 26.07.2017. He also submits that the petitioner has been falsely implicated in this case due to business dispute between the parties.

Considering the aforesaid submissions, prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gaya in Civil Lines Police Station Case No 175 of 2017 subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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