

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50435 of 2017

Arising Out of PS.Case No. -243 Year- 2017 Thana -MOTIHARI MUFASIL District-  
EASTCHAMPARAN(MOTIHARI)

=====

Abdul Kalam Kari @ Abdul Kalam @ Kari, Son of Abdul Aziz, R/o  
Village- Nakched Tola, P.S.- Motihari Town, District- East Champaran.

.... .... Petitioner

Versus

The State of Bihar .... .... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH  
ORAL ORDER

3 09-11-2017 Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner seeks pre-arrest bail in connection  
with Motihari Muffasil P.S. Case No. 243 of 2017 registered  
under Sections 406, 420 of the Indian Penal Code and Section  
138 of the Negotiable Instruments Act.

Learned counsel for the petitioner submitted that the  
allegations made in the complaint at best attract the ingredients  
of the offence under Section 138 of the Negotiable Instruments  
Act, which is bailable in nature. He submitted that even though,



the ingredients of the offence punishable under Sections 406 and 420 of the Indian Penal Code are not attracted, the same has been mentioned in the F.I.R. just to make the offence non-bailable.

On the other hand, learned counsel for the State submitted that the allegations made in the first information report do attract the ingredients of the offences under the penal code as well as Negotiable Instruments Act.

Be that as it may, looking at the nature of allegations, 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, East Champaran, Motihari in connection with Motihari Muffasil P.S. Case No. 243 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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