

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57805 of 2017

Arising Out of PS.Case No. -160 Year- 2013 Thana -NAWADA District- NAWADA

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Shashi Ranjan Kumar @ Sudhir Kumar S/o Arjun Prasad, resident of
village- Dariyapur, P.S.- Manpur, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate

For the State : Mr. Ganesh Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**

ORAL ORDER

2 20-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Nawada Nagar P.S. Case No.160 of 2013 registered under
Sections 420 and 406 of the Indian Penal Code and Section 138 of
the Negotiable Instruments Act (for short 'the N.I.Act').

It is submitted by the learned counsel for the petitioner
that the institution of the FIR on the basis of a complaint which
was referred under Section 156(3) of the Code of Criminal
Procedure is against the ratio laid down by the Supreme Court in
**Priyanka Srivastava and Anr. vs. State of Uttar Pradesh and
Ors. [(2015)6 SCC 287]**. He submitted that even otherwise the
ingredients of the offences punishable under Sections 420 and 406



of the Indian Penal Code would not attracted in the present case and Section 138 of the N.I.Act is bailable in nature.

Learned counsel for the State opposed the prayer for grant of pre-arrest bail to the petitioner. He submitted that the ratio laid down by the Supreme Court in **Priyanka Srivastava and Anr. vs. State of Uttar Pradesh and Ors.** (supra) does not support the contention of the petitioner.

Be that as it may, regard being had to the nature of allegation, 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada Nagar P.S. Case No.160 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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