

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8309 of 2017

Arising Out of PS.Case No. -1057 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Mamta Devi, W/o Ishwar Chandra Gupta,
2. Ishwar Chandra Gupta, S/o Late Lakhan Prasad Gupta, Both R/o Kunwar
Tola Ward No. 18, P.S. Saharsa, District - Saharsa

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Patanjali Rishi, Advocate.

For the Opposite Party : Mr. Humayou Ahmad Khan, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 11-05-2017 Heard both sides.

The petitioners apprehend their arrest in Saharsa Sadar
P.S. Case No. 1057 of 2016 registered for the offences punishable
under Sections 420, 406 and 34 of the Indian Penal Code.

The informant alleged that he supplied paddy worth Rs.
20,40,000/- to the petitioners, in lieu thereof the petitioners issued
three cheques bearing numbers 089699, 089700 and 206344 but,
on presentation of the cheques the bank returned the same due to
non-availability of fund in their accounts.

Learned counsel for the petitioners submits that the
informant did not supply any paddy. The petitioners gave cheques
on condition to supply of paddy but no paddy was supplied. It is
further submitted that at best case under Section 138 of the N.I.



Act is made out for bouncing of the cheques but the informant chose to lodge the case under Sections 420, 406 and 34 of the Indian Penal Code but no offence under Sections 420, 406 and 34 of the Indian Penal Code is made out.

On the other hand, learned counsel for the informant submits that the cheques were issued by both the petitioners were dishonoured.

Considering the facts aforesaid, the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in Saharsa Sadar P.S. Case No. 1057 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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