

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43681 of 2017

Arising Out of PS.Case No. -871 Year- 2014 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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1. DHARMENDRA KUMAR SINGH @ DHARMENDRA SINGH, Son
of Late Shri Umashankar Singh, resident of Village- Belisarai, P.S.-
Motihari Town, Districct- East Champaran Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Nikhil Kumar Agrawal, Adv.
For the Opposite Party : Mr. Mustaque Alam, APP 36

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 06-10-2017 Heard both sides

The petitioner apprehends his arrest in Town Motihari P.S. Case No. 871 of 2014 under Sections 406, 420, 504 and 506 of the Indian Penal Code and 138 of the Negotiable Instrument Act.

The informant alleged that the petitioner had taken Rs.20/- lacs from him for executing a sale deed with regard to his own land, but, the petitioner did not execute the sale deed and he gave a cheque of Rs.20/- lacs of Bank of India, but, when the cheque was presented, the same was dishonoured.

The learned counsel for the petitioner submits that from the bare perusal of the content of the first information report it would appear that no offence under Section 138 of the Negotiable Instrument Act is made out. There is a provision for issuance of notice to the petitioner, if the cheque is bounced, but, no notice was issued. It is, further, submitted that the dispute is of civil nature. The informant himself did not pay the entire consideration amount.



Considering the facts, aforesaid, and the nature of allegation, made against the petitioner, the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, is directed to 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 Town Motihari P.S. Case No. 871 of 2014 to the satisfaction of the **Chief Judicial Magistrate, East Champaran at Motihari**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Prabhat Kumar Jha, J)

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