

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58921 of 2017

Arising Out of COMPLAINT CASE No. -1871 Year- 2016 District- PATNA

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Dilip Kumar Singh, S/o Late Ramwali Rai, Resident of House No.-31,
North of Rajpur Madhya Vidyalay, Rajapur Pul P.S.- Patliputra, District-
Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Sri Vidyanand Kumar Verma, S/o Sri Nageshwar Verma, Resident of
North Jai Prakash Nagar, Shiv Mandir Road, P.S.- Rajiv Nagar, District-
Patna.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Uday Shankar Choudhary, Advocate
For the State : Mr. Rajeev Nayan, APP
For the informant : Mr. Anjani Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the informant.

The petitioner seeks pre-arrest bail in connection with

Complaint Case No. 1871 (C) of 2016 in which cognizance has

been taken under Sections 406 of the Indian Penal Code and

138 of the Negotiable Instruments Act.



It is submitted by the learned counsel for the petitioner that even if the entire allegations made in the complaint are taken to be true, the ingredients of the offences punishable under Section 406 of the Indian Penal Code and 138 of the Negotiable Instruments Act would not be attracted. He also submitted that Section 138 of the Negotiable Instruments Act is bailable in nature.

On the other hand, learned counsel for the complainant submitted that the petitioner has taken Rs.4 lacs as friendly loan from the complainant and on demand, he issued a cheque, which got dishonored on its presentation before the bank due to stop payment instruction given by the petitioner.

In reply, learned counsel for the petitioner submitted that even before the cheque could be presented, the petitioner had returned the entire money to the complainant.

Be that as it may, regard being had to the nature of the allegation, the petitioner named above 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 learned ACJM, Patna in Complaint Case No. 1871(C) of 2016, subject to the conditions as laid down under



Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J)

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