

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60733 of 2017

Arising Out of PS.Case No. -707 Year- 2017 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Ganesh Mandal son of Jaikaran Mandal,
2. Malati Devi @ Malati, wife of Ganesh Mandal,
Both are resident of village & Post- Kohbarba, P.S.- Sonbarsa,
District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chandan Kumar, S/o Pradeep Sah, resident of village- Bhutahi, P.S.-
Sonbarsa, District - Sitamarhi at present resides at Bashwariya Chouk
W.No. P.S.+District - Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha, Advocate

For the State : Mr. Narsingh Tanti, APP

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

ORAL ORDER

2 21-12-2017 Heard learned counsel for the petitioners and learned
counsel for the complainant.

The petitioners seek pre-arrest bail in connection with
Complaint Case No.707 of 2017 registered under Sections 420 and
406 of the Indian Penal Code and Section 138 of the Negotiable
Instruments Act.

It is submitted by the learned counsel for the petitioners
that even if the entire allegations made in the complaint are taken
to be true, the ingredients of the offence punishable under Sections
420 and 406 are not attracted in the present case. So far as Section



138 of the N.I.Act is concerned, the same is bailable in nature.

On the other hand, learned counsel for the complainant submitted that the petitioner being a tenant of the complainant had borrowed rupees two lacs fifty thousand from the complainant and had issued cheque in discharge of liability which got dishonoured on its presentation before the bank.

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 petitioners are directed to be released 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 learned Chief Judicial Magistrate, Sitamarhi in connection with Complaint Case No.707 of 2017, 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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