

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57404 of 2017

Arising Out of PS. Case No.-89 Year-2016 Thana- KHAGAUL District- Patna

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Mantu Kumar S/o Ajay Singh, R/o Village- Shahwajpur, P.S.- Karai Parsurai, (O.P. Chicksohara), District- Nalanda at present mantu Singh S/o Ajay Singh Near Bilayatiya More, Beside Old Bharat Petrol Pump Masaurhi, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

For the Opposite Party/s : Mr. SMT. RENUKA RATNAKAR

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-12-2017 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Khagaul P.S. Case N0. 89 of 2016, disclosing offences under Sections 406 and 420 of the Indian Penal Code.

The First Information Report has been registered on the basis of a complaint petition, under Section 156(3) of the Code of Criminal Procedure, 1973. The allegation is of dishonour cheque issued by the petitioner in favour of the informant worth Rs. 9,03,000/-.

Though Section 138 of the Negotiable of Instrument Act was levelled in the complaint petition, the First Information Report has been registered under Sections 406 and 420 of the



Indian Penal Code. This is possibly for the reason that technically the informant could not make out a case under Section 138 of the N.I. Act.

Learned counsel appearing on behalf of the petitioner has submitted that even if the allegation as contained in the First Information Report is treated to be correct, no offence under Sections 406 or 420 of the Indian Penal Code is made out. The transaction had taken place between the petitioner and the informant in connection with some business venture and the informant has filed the complaint case maliciously, learned counsel for the petitioner contends..

Be that as it may, in the facts and circumstances of the case, a case of grant of anticipatory bail is made out.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, 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 the learned ACJM, Danapur, Patna in Khagaul P.S. Case No. 89 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as



and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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