

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20187 of 2017

Arising Out of PS.Case No. -14 Year- 2017 Thana -MAUZAHDIPUR District- BHAGALPUR

=====

Navtej Kumar Sah, S/o- Raju Prasad Sah @ Raj Sah @ Raju Sah, Resident
of Mohalla- Barshaliganj, P.S.- Mojahidpur, District- Bhagalpur.

.... Petitioner.

Versus

1. The State of Bihar.
2. Anup Lal Mandal, son of Late Kokai Mandal, resident of Barsaliganj,
P.S. Mojahidpur (Babarganj), District-Bhagalpur.

.... Opposite Parties.

=====

Appearance :

For the Petitioner	:	Mr.
For the State	:	Mr.
For the Informant/Opposite Party No.2	:	Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

4 13-09-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State as also the learned counsel for the
informant/opposite party no.2.

The petitioner apprehends his arrest in connection with
Mojahidpur P.S. Case No.14 of 2017 registered under Sections
406, 420, 467, 468, 471 and 506 of the Indian Penal Code besides
Section 138 of the Negotiable Instruments Act.

The allegation of the informant/opposite party no.2 is that
his son Santosh Kumar Anand gave cash Rs.3,00,000/- and two
kilograms silver worth Rs.90,000/- to his friend, the petitioner, on
assurance to return first installment of Rs.1,50,000 to 2,00,000/-



till December, 2016 and second installment after three months. Thereafter, the petitioner issued four cheques, each of Rs.49,000/- in the name of his son Santosh Kumar Anand. When the cheques were presented before the Bank, the same were dishonoured. On making complain by the informant/opposite party no.2, the petitioner abused and also caused assault to him with fists and slaps. When the neighbours and son rushed to save the informant/opposite party no.2, the petitioner threatened to point out a pistol saying that he will not pay the money. Further allegation of the informant/opposite party no.2 is that on 27.01.2017, the petitioner and his brother tried to implicate his son Santosh Kumar Anand and the witnesses falsely in a bomb case, asking to implicate them in such type of several criminal cases.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that without giving legal notice to the petitioner to pay the amount of dishonour of cheques, as required under Section 138 of the Negotiable Instruments Act, the informant/opposite party no.2 has lodged this case.

On the other hand, learned counsel for the informant/opposite party no.2 while opposed the prayer of the



petitioner for grant of anticipatory bail but conceded that before lodging the present case, no legal notice to pay the amount of dishonour of cheques, as required under Section 138 of the Negotiable Instruments Act, was sent to the petitioner by the informant/opposite party no.2.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur, in connection with Mojahidpur P.S. Case No.14 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

