

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55217 of 2017

Arising Out of PS.Case No. -543 Year- 2014 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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1. Hassan Mahmood S/o Mahmood Alam, R/o Khanka Baragahi Ishaque,
Takiya sharif, Mittan Ghat, City, P.S.- Khaje Kalan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey

For the Opposite Party/s : Mr. Smt. Indu Bala Pandey

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 29-11-2017 Heard learned counsel for the petitioner. Despite service of notice upon the office of the Advocate General and despite repeated calls, no body appears on behalf of the State to contest the matter.

The petitioner seeks pre-arrest bail in connection with Biharsharif P.S.Case No. 543 of 2014 registered under Sections 406, 420, 467 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

It is submitted by the learned counsel for the petitioner that the ingredients of the offences alleged under the Indian Penal Code are not attracted to the facts of the present case. He submitted that so far as the offence alleged under Section 138 of the Negotiable Instruments Act is concerned, since the cheque



was not issued against any liability for payment and the same was issued in good faith with a view to help the informant and his son, the ingredients of Section 138 of the Negotiable Instruments Act would also not be attracted. He further contended that even otherwise the offence punishable under Section 138 of the Negotiable Instruments Act is bailable in nature.

Having regard to the facts alleged in the First Information Report and the submissions made above, in the event of arrest or surrender before the court below within four weeks from today, the petitioner 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 the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Biharsharif P.S.Case No. 543 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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