

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46545 of 2017

Arising Out of PS. Case No.-305 Year-2017 Thana- BEGUSARAI TOWN District- Begusarai

Alok Maskara, Son of Sushil Kumar Maskara, Resident of Village- Jagir
Mohalla- Police Station- Nagar, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan

For the Opposite Party/s : Mr. SRI SANJAY KUMAR SINGH

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

4 22-12-2017 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Begusarai Town P.S. Case No. 305 of 2017, disclosing offences under Sections 406,420/34 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

Learned counsel for the petitioner has submitted that in view of the specific provisions under the Negotiable Instruments Act, the informant could have filed a complaint case for the offence punishable under Section 138 of the Negotiable Instruments Act. It has also been submitted that no case under Section 138 of the N.I. Act can be said to be made out in the absence of any specific statement that statutory notice as required was given by the Informant within the prescribed time.



He has also submitted that no case under Sections 406 and 420 of the Indian Penal Code is made out.

Learned counsel for the informant, on the other hand, has vehemently opposed the prayer for anticipatory bail and has submitted that the petitioner played fraud by issuing the cheque in question worth Rs. 11 lac 55 thousand.

On perusal of the materials on record and considering the materials collected in course of investigation available in the case diary, it transpires that there is some dispute between the petitioner and the informant in respect of accounting.

Be that as it may, in view of what has been submitted on behalf of the petitioner in respect of making out of offence punishable under Section 138 of N.I. Act, a case for 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 Chief Judicial Magistrate, Begusarai in Begusarai Town P.S. Case No. 305 of 2017, 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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