

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48788 of 2017

Arising Out of PS.Case No. -86 Year- 2017 Thana -ASHOK PAPER MILL District- DARBHANGA
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1. ARUN CHOUDHARY son of Late Rameshwar Choudhary Resident of
village - Sahora, P.S. - Ashok Paper Mill, Dist - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. Bikram Singh

Mr. Kaushal Kumar

For the State : Mr. Sri Nityanand Tiwary, APP
=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 16-11-2017

Heard the parties.

This application, for grant of anticipatory bail, arises
out of A.P.M. P.S. Case No. 86/2017, disclosing offences under
Sections 406 and 420 of the Indian Penal Code and Section 138 of
Negotiable Instrument Act.

Learned counsel for the petitioner appears to be,
prima facie, correct in his submission that in view of specific
provision under Section 142 of the Negotiable Instrument Act, the
First Information Report could not have been registered with the
police making allegation of commission of offence under Section
138 of the said Act.

Learned counsel for the informant, on the other



hand, has submitted that the police upon completion of investigation has submitted charge-sheet for commission of offence punishable under Section 406 and 420 of the Indian Penal Code and Section 138 of N.I. Act. He has submitted that in the aforesaid circumstances, the anticipatory bail of the petitioner may not be allowed.

From perusal of the F.I.R., I find that there is allegation that the informant had given certain amount to the petitioner on credit, which the petitioner refused to return initially and subsequently issued the said cheque which stood dishonoured for insufficiency of fund in account.

In my view, case for grant of anticipatory bail is allowed on the basis of the nature of allegation in the F.I.R.

Considering the facts aforesaid, this application is allowed. Let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks, 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, Darbhanga** in connection with A.P.M. P.S. Case No. 86/2017, subject to the condition laid down under Section 438(2) of the Cr.P.C.



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 bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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