

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61050 of 2017

Arising Out of PS.Case No. -396 Year- 2017 Thana -BUXAR District- BUXAR

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Deo Kumar Choudhary Son of Shiv Shanker Choudhary R/o Vill.-Sainik
Colony Charitrawan, Buxar, P.S. Buxar (T), Dist.-Buxar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Smt. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 22-12-2017 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the informant.

The petitioner seeks pre-arrest bail in connection
with Buxar (T) P. S. Case No. 396 of 2017 registered under
Sections 406 and 420 of the Indian Penal Code and 138 of the
Negotiable Instruments Act.

It is submitted by the learned counsel for the
petitioner that a pure and simple case of civil dispute has been
given colour of a criminal case in order to put undue pressure
upon the petitioner. He contended that the ingredients of the
offences punishable under Sections 406 and 420 of the Indian



Penal Code are not attracted in the present case and the offence under Section 138 of the Negotiable Instruments Act is compoundable in nature.

On the other hand, learned counsel appearing for the informant submitted that the informant has been cheated by the petitioner and after taking Rs.3,50,000/- as friendly loan from the informant, the petitioner not only failed to return the amount, but cheque issued by him also got dishonoured on its presentation before the bank.

Be that as it may, regard being had to the nature of allegation, the petitioner named above 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 learned Chief Judicial Magistrate, Buxar in Buxar (T) P. S. Case No. 396 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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