

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33182 of 2017

Arising Out of PS.Case No. -215 Year- 2016 Thana -MADHUBANI TOWN District-
MADHUBANI

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1. Dilip Kumar son of Late Naresh Chandra Jha Suman Resident of Village- Hatiya Gachhi, P.S.- Saharsa Sadar, District- Saharsa, at present posted as Additional District Programme Coordinator (Primary Education for all movement) East Champaran, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 24-07-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406/420/417/423/426/506 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

Allegation is that the informant had advanced Rs.2,50,000/- to the petitioner as loan. The petitioner issued refund cheque, which bounced.

Submission of the learned counsel for the petitioner is that offence under Section 138 of the Negotiable Instruments Act is bailable and no case of cheating is made out as each and every



bouncing of cheque does not mean that due to dishonest intention the cheque could not be honoured. Moreover, the cheque of the petitioner missed somewhere and that was misused by the informant subsequently.

Considering the nature of dispute especially the fact that there is no evidence of transaction of such huge amount by the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani/Successor Court in connection with Madhubani Town Police Station Case No.215 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. With further condition that petitioner shall fully cooperate with the investigation and trial of the case, failing which the Court-below shall be at liberty to take steps for cancellation of the bail-bonds of the petitioner in this case.

(Birendra Kumar, J)

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