

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58425 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Raushan Kayal, son of Late Shyam Sunder proprietor of Raushan Textile,
Shop No. 8/10, 1st Floor, Rajdhani Market, P.S. Pirbahore, Town and
District- Patna- 800004.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mritunjay Shankar Jaypuriyar S/o late Dhruva Nandan Prasad Jaypuriyar
C/o Uma Nath Verma, Narayani Nagar, Sachi Patti, Road No. 07, P.S.
Town- Hajipur, District Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal
For the State : Mr. Sri Anil Prasad Singh
For the Complainant : Mr. Rajesh Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**

ORAL ORDER

2 12-12-2017 Heard learned counsel for the petitioner, learned counsel
for the complainant and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Complaint Case No.01 of 2017 registered under Sections 138 of
Negotiable Instruments Act and Sections 323 and 406 of the
Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that the ingredients of the offence punishable under Section 406 of
the Indian Penal Code are not attracted in the present case and the
offence punishable under Section 138 of the Negotiable



Instruments Act is bailable in nature.

On the other hand, learned counsel for the complainant vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. He submitted that the petitioner had issued cheques in discharge of his liability which got dishonoured on presentation before the Bank.

Be that as it may, regard being had to the nature of allegation, in the event of arrest or surrender before the court below within six 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 learned Additional Chief Judicial Magistrate-II, Samastipur in connection with Complaint Case No.01 of 2017, subject to the conditions as laid down 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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