

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61111 of 2017

Arising Out of PS.Case No. -377 Year- 2016 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Arbind Kumar, Son of Late Lalbabu Chaudhary @ Lalchand Singh,
Resident of Village- Bankatwa, Ward No.21, P.S.- Bagaha, District- West
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Opposite Party/s : Mr. Sri Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 22-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Bagaha P.S.Case No. 377 of 2016 registered under Sections
420 and 406 of the Indian Penal Code and Section 138 of the
Negotiable Instruments Act.

It is submitted by the learned counsel for the
petitioner that a pure and simple case of money claim has been
given a colour of criminal offence in order to coerce the petitioner.
He submitted that according to the First Information Report, the
informant had advanced loan to the petitioner, which he failed to
return and such kind of allegation would not attract ingredients of



any criminal offence under the Penal Code and the ingredients of the offence punishable under Section 138 of the Negotiable Instruments Act would also be not attracted as no written notice was ever sent to the petitioner regarding dishonour of the cheque.

On the other hand, learned counsel for the State submitted that the petitioner had taken friendly loan of huge amount and failed to repay the same. Even the cheque issued by the petitioner got dishonoured and, thus, the petitioner does not deserve grant of pre-arrest bail.

Having regard to the nature of allegation and the submissions made above, in the event of arrest or surrender before the court below within four 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 the learned A.C.J.M., Bagaha, West Champaran in connection with Bagaha P.S.Case No. 377 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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