

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55046 of 2018

Arising Out of PS. Case No.-952 Year-2017 Thana- SASARAM NAGAR District- Rohtas

Daya Shankar Singh son of Ram Naresh Singh resident of Mohalla : Takiya,
Bhawanipur, Sasaram Ward No. 1, P.S. Sasaram (Model), District : Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Advocate
For the State	:	Mr. Sri Parmeshwar Mehta, APP
For the Informant	:	Mr. Raghunandan Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 08-10-2018 Heard counsel for the petitioner and counsel
appearing on behalf of the State as well as the informant.

The petitioner is apprehending arrest in connection with Sasaram (Model) P.S. Case No. 952 of 2017 for offences under Sections 406, 420, 504 and 506 of the Indian Penal Code.

Counsel for the petitioner submits that the petitioner has no criminal antecedent. Referring to the FIR he submits that from perusal of the FIR itself it would be evident that on account of relationship between the petitioner and the informant certain amount was paid to the petitioner by the informant and the petitioner has issued cheque in connection with refund of that amount which the petitioner has allegedly



received from the informant. The cheque has dishonoured and that is the ground of filing of the present FIR.

Considering the totality of the fact situation, the court is of the view that the appropriate remedy available to the informant is either under Section 138 of the Negotiable Instrument Act or to file money suit for recovery of that amount and in that view of the matter, the court is inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above named, in the event of arrest or surrender within four weeks from today, 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 Chief Judicial Magistrate, Sasaram, Rohtas in connection with Sasaram (Model) P. S. Case No. 952 of 2017, subject to the conditions as laid down under Section 438(2) Cr. P. C.

Grant of anticipatory bail to the petitioner will not cause any prejudice to the informant in the matter of recovery of the amount.

(Anil Kumar Upadhyay, J)

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