

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11833 of 2018

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

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Rakesh Kayal, son of late Shyam Sunder Kayal, Proprietor of Shubh Laxmi
Vastralaya, Gudri Bazar Road, P.O. and P.S. Hazipur, Dist. Vaishali.

... .. Petitioner/s

Versus

1. State Of Bihar.
2. Mritunjay Shankar Jaypuriya, S/o Late Dhruva Nandan Prasad
Jaypuriyar, C/o Uma Nath Verma, Narayani Nagar, Sachi Patti, Road No. 07,
P.S. Town, Hajipur, Dist. Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal
For the Opposite Party/s : Mr. Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 27-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is apprehending his arrest in
connection with Complaint Case No. 01 of 2017 registered for
offences under sections 138 of the Negotiable Instrument Act
and Section 323 & 406 of the Indian Penal Code.

As per allegation, the Complainant had invested money
on the assurance that he will be made partner to the shop but,
later on, he was duped as the money was not returned to him
and the cheque issued to the Complainant returned dishonoured.

Learned counsel for the petitioner submits that the offence
under Section 406 of the I.P.C. is not made out in the present



case and the offence under Section 138 of the Negotiable Instrument Act is bailable.

Looking to the entire facts and circumstances of the case, let the petitioner, namely, Rakesh Kayal, in the event of his arrest or surrender before the court below within a period of 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 learned Additional Chief Judicial Magistrate, II Samastipur in connection with Complaint Case No. 1 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shivaji Pandey, J)

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