

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10255 of 2018

Arising Out of PS.Case No. -809 Year- 2017 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Rambabu Kumar Rao @ Rambabu Rao S/o Late Chandradeo rao, Resident
of Village-Shikarpur, P.S.-Shikarpur, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Upendra Prasad S/o Kapildeo Prasad, R/o Village-Yadopur, P.S.
Harsidhi, District-East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-02-2018 Heard the learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks anticipatory bail in connection with Tr.
No. 2666 of 2017 (arising out of Complaint case no. 809 of 2017)
registered for the offences punishable under Section 420 of the
Indian Penal Code and Section 138 of the N.I. Act.

The allegation of the prosecution is that the petitioner
and the complainants were friends and the petitioner had taken a sum
of Rs. 5 lakhs as loan, thereafter had failed to pay the same,
however, when the cheque was given, the same had also bounced.

The learned counsel for the petitioner submits that the requisite
time frame required for the purpose of filing a case under Section 138



of N.I. Act has not been complied and moreover there is no chit of paper to show that the petitioner had taken loan from the complainant. It is submitted that the petitioner has a clean antecedent.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.-1st Class, Motihari, East Champaran in connection with Tr. No. 2666 of 2017 (arising out of Complaint case no. 809 of 2017), subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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