

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5732 of 2018

Arising Out of PS.Case No. -127 Year- 2017 Thana -FATUHA District- PATNA

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Shushma Devi, Wife of Sri Bhusan Prasad, Resident of Village-
Machhariyawan, P.S.- Fatuha, Dist- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 09-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Fatuha P.S. Case No. 127 of 2017 registered under Sections
406, 420 of the Indian Penal Code and Section 138 of the
Negotiable Instruments Act.

It is submitted by the learned counsel for the
petitioner that in view of the stipulations made in Section 142 of
the Negotiable Instruments Act, 1881, no first information report
can be instituted for the offence punishable under Section 138 of
the Negotiable Instruments Act. For the said offence only a



complaint would be maintainable. It is further contended that even otherwise the ingredients of the offences punishable under Sections 406 and 420 of the Indian Penal Code are not attracted in the present case. The petitioner being a lady has got no criminal antecedent and she is not likely to abscond or tamper with the evidence.

On the other hand, learned counsel for the informant and learned counsel for the State have opposed the application for grant of pre-arrest bail to the petitioner.

Considering the nature of allegation and the submissions made on behalf of the parties, in the event of arrest or surrender in 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 the learned Judicial Magistrate, Patna City, Patna in connection with Fatuha P.S. Case No. 127 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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