

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22374 of 2018

Arising Out of PS.Case No. -15 Year- 2018 Thana -BAGHA District- WEST CHAMPARAN
(BETTIAH)

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1. Manoj Kumar Verma, son of Late Shambhunath Verma,
2. Pankaj Kumar Verma, son of Sri Manoj Kumar Verma,
3. Gopal Prasad Verma, son of Sri Manoj Kumar Verma,
All residents of Village- Babui Tola, P.S.- Bagaha, District- West
Champanan.

.... Petitioners

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection
with Bagaha P.S. Case No. 15 of 2018 registered under Sections
406, 420, 120B read with 34 of the Indian Penal Code and
Section 138 of the Negotiable Instruments Act.

Learned counsel for the petitioners submitted that a
false and frivolous police case has been instituted in order to



black mail the petitioners. He submitted that it is a simple case of dishonour of cheque for which only a complaint could have been filed for the offence punishable under Section 138 of the Negotiable Instruments Act, and that too, against the drawer of the cheque. He submitted that the a cheque was drawn by the petitioner no.1 Manoj Kumar Verma and after receiving legal notice, the petitioner no.1 had paid Rs.65,000/- to the informant of the case. He had also entered into a compromise and in terms of compromise, a blank cheque was handed over to the informant, which was misused by the informant by filling up an imaginary amount and presented before the Bank.

Learned counsel for the informant opposed the application for grant of pre-arrest bail to the petitioners. He submitted that the petitioner no. 1 had issued a cheque for Rs. 5 lakhs which got dishonoured on its presentation before the Bank. He submitted that the other defence taken by the petitioners can be considered only at the stage of trial.

Be that as it may, considering the nature of allegation, in the event of arrest or surrender in the court below within six weeks from today, the petitioners are 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.15 of 2018 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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