

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35488 of 2018

Arising Out of PS.Case No. -2848 Year- 2015 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Birendra Singh, son of late Nawlakh Singh
2. Prem Bihari Singh @ Pramod Singh, S/o Birendra Singh
Both are residents of village - Hanumangardhi Sareya Ward No. 06, Police
Station - Gopalganj, District Gopalganj.

.... Petitioners

Versus

1. The State of Bihar.
2. Prem Kumar Chaurasiya son of late Nathuni Bhagat Daughter of Kailash
Chauhan Resident of Village - Hanumangardhi Sareya Ward No. 06 Police
Station - Gopalganj, District - Gopalganj.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 28-06-2018 Heard learned counsel for the petitioners and learned
counsel for the complainant.

The petitioners seek pre-arrest bail in connection
with Complaint Case No. 2848 of 2015 (Tr. No.415 of 2018) in
which cognizance has been taken under Sections 406 of the
Indian Penal Code and section 138 of the Negotiable



Instruments Act.

It is submitted by the learned counsel for the petitioners that though the ingredient of the offence punishable under Section 406 of the Indian Penal Code is not attracted, the court below has taken cognizance of the offence under Section 406 of the Indian Penal Code falsely. The offence punishable under Section 138 of the Negotiable Instruments Act is bailable in nature.

On the other hand, learned counsel for the complainant submitted that the petitioner made payment of Rs.2.5 lakh to the complainant by way of cheque and after taking possession of the land in question, instructed the bank to stop payment.

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 Additional Chief Judicial Magistrate-XVI, Gopalganj in connection with Complaint Case No. 2848 of 2015 (Tr. No.415 of 2018) subject to the conditions



as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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