

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.843 of 2018

Arising Out of PS.Case No. -512 Year- 2017 Thana -SUPAUL District- SUPAUL

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1. MD. FAKHIR HUSSAIN @ FAKHIR HUSSAIN S/o Md. Salim @
Shalimuddin, R/o Village- Bir Nagar, P.S.- Bhargama, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Narayan Singh

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 15-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Supaul P.S.Case No. 512 of 2017 registered under Sections
420 and 406 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that even if the entire allegations made in the FIR are
taken to be true, no offence punishable under Sections 420 and
406 of the Indian Penal Code would be attracted. He submitted
that for the alleged dishonour of cheque, at best, offence would be
made out under Section 138 of the Negotiable Instruments Act,
which is bailable in nature.

Learned counsel for the State opposed the



application for grant of pre-arrest bail of the petitioner.

Regard being had to the nature of allegation and the submissions made above, in the event of arrest or surrender before the court below within four 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 Chief Judicial Magistrate, Supaul in connection with Supaul P.S.Case No. 512 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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