

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.704 of 2018

Arising Out of PS.Case No. -304 Year- 2017 Thana -BUDDHACOLONY District- PATNA

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Agam Kumar @ Agam Kumar Umang S/o Rajendra Muni Lal @ Muni,
Branch Manager, Nirmal Bang Commodities Private Limited having its
office at 304/305, Grand Plaza, P.S.- Kotwali, District- Patna-800001
(Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhanendra Chaubey, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 11-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Buddha Colony P.S. Case No. 304 of 2017 registered under
Sections 406 and 420 read with 34 of the Indian Penal Code as
well as section 138 of the Negotiable Instruments Act.

It is submitted by the learned counsel for the
petitioner that the petitioner has neither received money from the
informant nor cheated him nor gave cheque, which was



dishonoured, hence, the ingredients of the offences alleged under Sections 406 and 420 read with 34 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act are not attracted against the petitioner. He submitted that if the informant had any grievance regarding the allegations made in the FIR, he ought to have made his complaint before the Security Exchange Board of India (SEBI) because SEBI is the regulatory body for taking action in such matters.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioner.

Considering the nature of allegations and the submissions made above, 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-1st Class, Patna in connection with Buddha Colony P.S. Case No. 304 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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