

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56247 of 2018

Arising Out of PS. Case No.-99 Year-2018 Thana- CHHAURADANO District- East
Champaran

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Nand Kishore Upadhyay, Son of Kamesh Upadhyay, resident of Village-
Shripur, P.S.- Chhauradano, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate.
For the State	:	Mr. Sri Nagendra Prasad, APP
For the Informant	:	Mr. Jitendra Kumar, Advocate.
		Mr. Mukesh Kumar-1, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Chauradano P. S. Case No. 99 of 2018 instituted under
Sections 406 and 420 of the Indian Penal Code and 138 of the
Negotiable Instrument Act.

Considering the allegation levelled in the instant case i.e.,
dishonour of cheque issued by the petitioner in connection with
financial transaction between the petitioner and the informant,
the Court in the peculiar fact and situation, is of the view that
the remedy under the Negotiable Instrument Act is available to
the informant and the present FIR for realisation of the amount
for which cheque was issued by the petitioner, which stood



dishonoured is only pressure tactics considering the aforesaid application for grant of anticipatory bail is allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within one month from today, be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari in connection with Chauradano P.S.Case No. 99 of 2018; subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

However, grant of anticipatory bail to the petitioner will not in any way cause prejudice to the informant to realise the amount for which cheque was issued by the petitioner which stood dishonoured.

(Anil Kumar Upadhyay, J)

sujit/-

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