

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54265 of 2017

Arising Out of PS.Case No. -261 Year- 2017 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Rajesh Pandey, son of Janardan Pandey, resident of Village- Kaithwaliya,
Police Station- Sugauli, District- East Champaran, at present residence of
Naya Tola Sugauli, Ward No. 6, Police Station- Sugauli, District- East
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-01-2018 Heard the learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks anticipatory bail in connection with
Sugauli PS case no. 261 of 2017 registered for the offences
punishable under Sections 406,420 of the Indian Penal Code and
Section 138 of the Negotiable Instrument Act, 1981.

The allegation is that the informant had contacted the
petitioner for sale of land and in lieu thereof had given a sum of
Rs. 15 lacs, but the petitioner did not execute the sale deed in
favour of the informant and others. It is further alleged that
subsequently, after a long lapse of time, the petitioner gave a
cheque of a sum of Rs. 12,75,000/- to the informant, but the same
got bounced on account of insufficient fund in the account of the



petitioner.

The learned counsel for the petitioner submits that at best the allegation levelled in the F.I.R. constitutes a civil wrong. It is further submitted that as far as bouncing of cheques are concerned, the informant has a remedy under Section 138 of the N.I. Act. The petitioner is stated to be having a clean antecedent.

The learned counsel for the informant has vehemently opposed the prayer for grant of anticipatory bail to the petitioner. The learned counsel has contended that he may be granted liberty to approach the civil court. The informant is free to avail the appropriate remedy as available in law.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender within six weeks before the concerned court, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran at Motihari in connection with Sugauli PS case no. 261 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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