

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54237 of 2017

Arising Out of PS.Case No. -18 Year- 2016 Thana -KHAJEKALA District- PATNA

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1. SYED ATHAR IMAM @ SYED AKHTAR IMAM @ SYED AKHTAR IMAM (MOHAMMAD) @ SYED AYYAR IMAM (MOHAMMAD) S/o Late Syed Fida Imam R/o C/o Maqsood Alam, Jaggi Ka Chauraha, P.S. - Khajekalan, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Sri Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 17-01-2018 Heard the counsels for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Khajekalan P.S. Case No. 18 of 2016 dated 01.02.2016 instituted for the offences under Sections 406 and 420 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

Learned counsel for the petitioner has shown from the F.I.R. that an absolutely vague and cryptic allegations has been levelled against the petitioner. It has not been stated in the FIR as to what money was given to the informant. Along with the FIR, two cheques, issued in the name of the informant by the petitioner has been annexed. Under what circumstances those cheques were



issued are also not known. However, from the reading of the FIR, no offence under Section 406 or 420 of the Indian Penal Code, it has been argued, can at all be said to have been made out. So far as Section 138 of the Negotiable Instrument Act is concerned, the requirements of prosecuting an accused for the aforesaid offence has not been complied with and no complaint has been filed in that regard.

Considering the aforesaid facts, in the event of arrest or surrender of the petitioner before the court below within a period of four weeks from today, he shall be granted bail subject to his furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Patna City in connection with Khajekalan P. S. Case No. 18 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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