

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64771 of 2018

Arising Out of PS. Case No.-450 Year-2018 Thana- KANKARBAG District- Patna

Priya Ranjan, S/o Sri Shashi Kumar Singh, Resident of Village- Rajepur
Nawada, P.S.- Pakadi Dayal, District- Motihari (East Champaran).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Nath Rai, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-12-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Kankarbagh P.S. Case No.450 of 2018 registered under Sections
448, 341, 323, 504, 506, 406, 420 and 380 of the Indian Penal
Code and Section 138 of the Negotiable Instruments Act.

It is alleged in the first information report that on
22.05.2018 at 7 p.m. the petitioner and others entered into the
office of the informant and abused and assaulted him. They also
took away rupees fifty thousand. However, the first information
was belatedly instituted on 25.05.2018. It is submitted by the
learned counsel for the petitioner that there is inordinate and
unexplained delay of three days in institution of the first
information report. He further contended that initially the first



information report was instituted under Sections 448, 341, 323, 504, 506 and 380 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act, which All were bailable in nature except Section 380 of the Indian Penal Code but, later on, at the request of the investigating officer Section 406 and 420 of the Indian Penal Code were added. He contended that if the alleged cheques were dishonoured then the petitioner ought to have taken steps under Section 138 of the Negotiable Instruments and filed a complaint, but no complaint was filed and a first information report was instituted, which is not maintainable.

On the other hand, learned counsel for the State being assisted by learned counsel for the complainant opposed the application for grant of pre-arrest bail to the petitioner. He contended that the informant has been cheated by the petitioner as he had issued a cheque of rupees thirteen lacs, which got dishonoured on its presentation.

Considering the submissions made above, in the event of arrest or surrender before 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Chief Judicial Magistrate, Patna in connection with
Kankarbagh P.S. Case No.450 of 2018 subject to the conditions
as laid down under Section 438(2) of the Code of Criminal
Procedure.

(Ashwani Kumar Singh, J)

Md. S/-

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