

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70443 of 2018

Arising Out of PS. Case No.-290 Year-2017 Thana- SHEKHPURA District- Sheikhpura

1. Sunil Gavaskar son of Ajbi Ram ,
 2. Ajbi Ram son of Sahdeo Ram,
- All are residents of village- Deh Kushumbha, P.S. Korma, District-Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar, Advocate
For the Opposite Party/s : Mr.Pawan Kumar Chaurasiya, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Sheikhpura P.S. Case No.290 of 2017 registered under Section 138 of the Negotiable Instruments Act (for short 'N.I.Act').

Though the first information report was instituted under Section 138 of the N.I.Act only, on completion of investigation the police submitted charge-sheet under Section 406/34 of the Indian Penal Code also whereafter cognizance of the offence has been taken.

Learned counsel for the petitioners submitted that the institution of the first information report itself was bad in



law. In a case under Section 138 of the N.I.Act only a complaint would have been maintainable in view of Section 142 of the N.I.Act. He further contended that ingredients of the offence punishable under Section 406 of the Indian Penal Code are not attracted in the present case.

Learned counsel for State opposed the prayer for grant of pre-arrest bail to the petitioners.

Considering the facts and circumstances of the case and the submissions made above, in the event of arrest or surrender before the court below within six weeks from today, the petitioners are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No.290 of 2017 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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