

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66900 of 2018

Arising Out of PS. Case No.-1289 Year-2017 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Mahesh Paswan, aged about 50 years, S/o Late Shri Paswan, R/o Village-
Simari Bakhtiarpur, Post Office- Gali (Kanu Tola), P.S.- Simri Bakhtiarpur,
District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mithilesh Kumar, Son of Late Madan Sah, R/o Village- Kharagpur, P.S.-
Sonbarsa Katchari, District- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma
For the Opposite Party/s : Mr. Smt Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 17-12-2018 Heard learned counsel for the parties.

Petitioner is apprehending arrest in connection with
Complaint Case No. 1289/2018 for the offence under Sections
441, 323 and 420 of the Indian Penal Code and Section 138 of
the N.I. Act.

Prosecution case arises out of dishonour of the cheque
issued by the petitioner. Learned counsel appearing for the
petitioner with reference to paragraph-7 of the application
undertakes to return the entire cheque amount by three monthly
instalments.

Considering the aforesaid and also the fact that the
petitioner has no criminal antecedent, this application is



allowed. Accordingly, in the event of arrest or surrender before the court below within a period of one month from today, the petitioner above named, 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 the Addl. Chief Judicial Magistrate II, Saharsa in connection with Complaint Case No. 1289/2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that in case of failure on the part of the petitioner to deposit the aforesaid amount in three monthly instalments, liberty shall be available to the court below to cancel the bail bonds.

(Anil Kumar Upadhyay, J)

mrl./-

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