

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1108 of 2018

Arising Out of PS.Case No. -549 Year- 2017 Thana -
MOHANIA District- BHABHUA (KAIMUR)

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Rama Kant Singh, Son of Sri Bechan Singh, resident of
Village- Sarahula, P.S. Mohania, District Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Surendra Prasad (Proprietor Manish Rice Udyog)- Darwa,
Ward No. 3 (Mohania), P.S. Mohania, District- Kaimur
(Bhabhua).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad
For the Opposite Party/s : Mr. Sri Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-03-2018 The O.P. No. 2 was granted bail vide order dated 16.11.2017 passed in A.B.P. No. 1125 of 2017 by the learned 4th Additional Sessions Judge, Kaimur at Bhabhua on the ground that no offence under Sections 406, 420 of the Indian Penal Code are made out and the only offence for which O.P. No. 2 could have been prosecuted was for dishonour of the cheque for Rs. 27 lakhs.

Since the aforesaid offence under Section 138 of the Negotiable Instruments Act is only a regulatory offence, the Court below consciously has taken a liberal view of the matter and has granted anticipatory bail to O.P. No. 2, taking into account that the O.P. No. 2 shall have the



opportunity of rebutting the presumption of the cheque having been issued by him in discharge of any legal debt.

It would not be expedient now to cancel the bail of O.P. No. 2 on the ground that only on his inducement, the petitioner has invested money to the tune of Rs. 27 lakhs but he was not given 10 percent profit as was promised by O.P. No. 2 to him.

There is no merit in the petition and hence, it is dismissed.

(Ashutosh Kumar, J)

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