

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47870 of 2017

Arising Out of PS. Case No.-96 Year-2017 Thana- RIGA District- Sitamarhi

Kamlesh Kumar Singh Son of Late Ram Kinkar Singh, resident of Village-
Jihuli, P.O.- Jihuli, P.S.- Patahi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh

For the Opposite Party/s : Mr. SRI ANUJ KUMAR SRIVASTAVA

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 05-01-2018 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Riga P.S. Case NO. 96 of 2017, disclosing offences under Sections 406,420 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

Earlier by an order, dated 17.10.2017, the dispute between the parties was referred to the Patna High Court Mediation Center for amicable settlement. The Mediation has, however, failed as reported by the learned Mediator.

Learned counsel appearing on behalf of the petitioner has submitted that no offence under Section 138 of the Negotiable Instruments Act is made out in the absence of any allegation that the cheque stood dishonoured because of insufficiency of fund. As regards other provisions of the Indian Penal Code, it is submitted that



the petitioner had not taken any money from the informant, and, therefore in any case, no offence under Section 406 of the Indian Penal Code can be made out.

Considering the nature of dispute between the petitioner and the Informant, I am of the view that this is a fit case for grant of anticipatory bail. This application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, 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 learned Judicial Magistrate First Class, Sitamarhi in Riga P.S. Case No. 96 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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