

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62713 of 2018

Arising Out of PS. Case No.-15 Year-2018 Thana- KALYANPUR District- Samastipur

Sanjeet Singh @ Sanjeet Kumar Singh Son of Sachchidanand Singh Resident
of Village- Koylakund, Police Station- Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi

For the Opposite Party/s : Mr. Sri Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 13-12-2018 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel representing the
informant.

The petitioner is apprehending his arrest in connection
with Kalyanpur PS Case No. 15 of 2018 for the offence under
Sections 406 and 420 of the Indian Penal Code and Section 138
of the Negotiable Instruments Act.

Learned counsel for the petitioner submits that the
instant case has been registered at the instance of the informant
on account of dishonour of cheque issued by the petitioner due
to insufficiency of fund. Learned counsel submits that on
account of dishonour of cheque under Section 138 of the N I Act
complaint is permissible and not FIR and as such he submits
that very initiation of the criminal case is without jurisdiction.



Considering the fact that the petitioner has no criminal antecedent and in the case related to dishonour of cheque initiation of criminal case by way of FIR is not permissible, the Court is inclined to grant bail to the petitioner.

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 Chief Judicial Magistrate, Samastipur in connection with Kalyanpur PS Case No. 15 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Upadhyay, J)

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