

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56528 of 2017

Arising Out of PS.Case No. -528 Year- 2017 Thana -BANKA District- BANKA

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Rajiv Kumar Singh, Son of Kishor Prasad Singh, Resident of Village- Bijay Nagar, Ward No. 22, P.S. Banka, District- Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
: Mr. Vijay Anand
For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-01-2018 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Banka PS case no. 528 of 2017 registered for the offences punishable under Sections 419, 420, 406, 467, 468, 471 of Indian Penal Code.

The allegation is regarding the petitioner giving a cheque of Rs. 16 lacs to the informant which had bounced subsequently due to insufficient fund in the account of the petitioner.

The learned counsel for the petitioner submits that apart from the allegation of bouncing of the cheque given by the petitioner, no other allegation whatsoever has been leveled against the petitioner hence, no offence under Sections 419, 420, 406, 467, 468, 471 of Indian Penal Code are made out. It is further submitted that at best, the present



case can be said to be a case under Section 138 of Negotiable Instruments Act.

Prima facie, the Court is of the opinion that at best, the allegations made, make out a case under Section 138 of the N.I. Act, hence the petitioner should be admitted to the privilege of anticipatory bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in connection with Banka PS case no. 528 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J.)

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