

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29680 of 2018

Arising Out of PS.Case No. -466 Year- 2016 Thana -MOTIHARI MUFASIL District- EAST
CHAMPARAN (MOTIHARI)

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Lal Babu Prasad @ Phekan Ji, S/o Late Ram Chandra Sah, R/o Vill.-
Katahan, P.S.- Motihari (M), District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar.

2. Dipendra Kumar S/o Prabhu Dayal Prasad, R/o Vill.- Katahan, P.S.-
Motihari (M), District- East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 17-05-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Motihari (M) P.S. Case No. 466 of 2016 registered under
Sections 420, 406 of the Indian Penal Code and Section 138 of
the Negotiable Instruments Act.

It is submitted by the learned counsel for the
petitioner that even if the entire allegations made in the first



information report are accepted to be true, no offence punishable under Sections 420 and 406 of the Indian Penal Code would be made out. So far as section 138 of the Negotiable Instruments Act is concerned, it has been submitted that the same is bailable in nature and since the cheque in question was also not issued by the petitioner, the same would also not be applicable against him.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioner.

Considering the nature of allegation and the submissions made above, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari (M) P.S. Case No. 466 of 2016 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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