

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35632 of 2018

Arising Out of PS.Case No. -100 Year- 2018 Thana -MALSALAMI District- PATNA

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Mithilesh Choudhary @ Mithlesh Choudhary, Son of Late Dwarika Choudhary, Resident of Mohalla- Chhoti Nagla Mal Ki Kachahari, P.S.- Malsalami, District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Ms. Usha Kumari Singh, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 29-06-2018 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant.

The petitioner seeks pre-arrest bail in connection with Malsalami P.S. Case No. 100 of 2018 registered under Sections 406 and 420 of the Indian Penal Code.

The prosecution case is that the informant had given a sum of Rs.2,50,000/- to the petitioner, who is cousin brother for purchasing a piece of land and also a sum of Rs.74,000/- in cash. However, neither the land was purchased nor the amount was refunded. On repeated request, the petitioner gave a cheque



of Rs.50,000/- to the informant, which was dishonoured by the bank on its presentation due to insufficiency of fund.

The contention of the petitioner is that the entire allegation made in the first information report is baseless. Neither the petitioner had taken any amount of money from the informant nor had issued any cheque in his favour. The informant never ever issued notice to the petitioner in respect of dishonor of cheque and, thus, the petitioner cannot say on what basis he is making claim that the cheque issued was not honoured due to insufficiency of fund.

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

Be that as it may, considering the nature of allegation and the facts and circumstances of the case, 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 A.C.J.M.-IV, Patna city in connection with Malsalami P.S. Case No. 100 of 2018 subject to the conditions as laid down



under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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