

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.71116 of 2018**

Arising Out of PS. Case No.-3271 Year-2017 Thana- PATNA COMPLAINT CASE District- Patna

=====

Jitendra Kumar Singh son of Sri Ganga Sagar Singh, Resident of Village- Siyuri, P.S.- Asaon, District- Siwan. ... .. Petitioner/s

Versus

1. The State of Bihar.
2. Raju Kumar S/o Satyendra Kumar Yadav, President of Rashtriya Gramin Pragati Pariyojana, Resident of Village- Seh Hauri Bag, Near 54 Ram Lakhan Hat School, P.S.- Belhauri, District- Patna. At Present Address:- Budha Plaza, Room No. 412,1st Floor, Budh Marg, P.S.- Kotwali, District- Patna. ... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

=====

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2     17-12-2018                      Heard learned counsel for the petitioner and the  
counsel appearing on behalf of the State.

Petitioner is apprehending arrest in connection with  
Comp. Case no. 3271 of 2017    for the offence under section  
406 of the Indian Penal Code and section 138 of N.I. Act.

Learned counsel for the petitioner submits that  
petitioner has no criminal antecedent.

The instant case is a offshoot of dishonour of  
cheque. Learned counsel submits that for running a office,  
petitioner was appointed as Project Manager and he was asked  
to collect membership at the rate of Rs. 99 against 20,000  
membership form.

Learned counsel for the petitioner submits that



petitioner was not paid remuneration for the responsibility assigned to him and discharge of the responsibility and as such he has filed the case against the complainant on 4.8.2017 and thereafter the instant complaint case has been filed against the petitioner on 18.8.2017. He advance submission referring to section 139 of N.I. Act that the liability is only either debt or enforceable financial liability which is lacking in the instant case.

Considering the fact that petitioner has no criminal antecedent and remedy under the provision of N.I. Act is available on dishonour of cheque, the court is inclined to grant bail, let the petitioner, named above, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M.-8, Patna, in connection with Comp. Case No. 3271/2017 subject to the condition as laid down under section 438(2) of the Cr.P.C.

**(Anil Kumar Upadhyay, J)**

Ravi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

