

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18486 of 2019

Arising Out of PS. Case No.-1208 Year-2018 Thana- SONEPUR District- Saran

1. Nagesh Prasad Yadav, Son of Late Shiv Nandan Rai
2. Manish Kumar, Son of Sri Nagesh Prasad Yadav
Both are residents of Village- Sabalpur Pachhiyari Tola, P.S.- Sonpur,
District- Saran, at present resident of Mohalla- Karawan Kisarai C/o Sita
Devi, P.S.- Malsalami Town, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kishore, Advocate

Mr. Rishikesh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 19-07-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

The petitioners apprehend their arrest in connection
with Sonapur P.S. Case No. 1208 of 2018, registered under
Sections 406 and 420 of the Indian Penal Code and Section 138
of Negotiable Instrument Act.

The allegation against the petitioners, is that the
petitioners gave two cheques, total amount of Rs. 12,00,000/-, in
favour of the informant, which was dishonoured, upon
presentation.

Learned counsel for the petitioners submits that from
perusal of the First Information Report, no *prima facie* case is
made out under Sections 406 and/or 420 of the Indian Penal



Code and at best Section 138 of the Negotiable Instrument Act can be said to be applicable, which is bailable offence.

Learned counsel for O.P. No.2 is present and submits that the petitioners had issued cheque with intention to cheat the informant and thereby they have committed offence under Sections 406 and 420 of the Indian Penal Code.

After having heard learned counsel for the parties and taking into consideration the fact that the present case is pertaining to bouncing of cheques, for which, special law has been enacted, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Chapra at Saran in connection with Sonapur P.S. Case No. 1208 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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