

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78725 of 2018

Arising Out of PS. Case No.-217 Year-2017 Thana- BUNIYAD GANJ District- Gaya

Satyavir Kumar @ Chhotu Sao S/o Saryu Sao @ Saryu Prasad, Resident Of
Village- Manpur Pehani, Police Station- Buniyadganj And District- Gaya
Bihar .

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No-2, Adv.
For the State	:	Mr. Ram Priya Sharan Singh, A.P.P.
For the Informant	:	Mr. Arvind Kumar Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 18-01-2019 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional
Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 506, 406, 420
of the Indian Penal Code and Section 138 of Negotiable
Instrument Act.

The first information report goes to show that
informant was partner of petitioner and both started some
business under partnership but allegedly, petitioner did not



make payment of share of the informant and subsequently issued three cheques which became bounced.

Learned counsel appearing for the petitioner submits that the present case has been registered under Section 138 of N.I. Act as well as other sections of the I.P.C. and, therefore, the first information report for the offence punishable under Section 138 of N.I. Act is not maintainable.

On the other hand, learned counsel appearing for the informant opposed the bail prayer submitting that there is specific allegation of cheating against the petitioner and, therefore, petitioner does not deserve the privilege of bail.

Petitioner is in jail custody since 01.05.2018 and admittedly, Section 138 of N.I. Act is bailable and so far as application of Section 420 of the I.P.C. is concerned, the same appears to be doubtful.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate-VIII, Gaya in connection with
Buniyadganj P.S. Case No. 217 of 2017.

(Hemant Kumar Srivastava, J)

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