

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40044 of 2019

Arising Out of PS. Case No.-400 Year-2018 Thana- COMPLAINT CASE District-
Kishanganj

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MERAJ ALAM Son of Abdul Karim Resident of Village - Charaiya, P.S.-
Baisi, District - Purnea.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Jahangir Alam Son of Late Jamil n Ahmad Resident of Village - Mohiuddin
Nagar, Ward no. 1, P.S. and District - Kishanganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 26-09-2019 This application, for grant of anticipatory bail, arises out
of Complaint Case No. 400 of 2018, disclosing offences under
Sections 420, 406 of the Indian Penal Code and Section 138 of the
N.I. Act.

Allegation as per complaint petition is that petitioner took
a loan of Rs. Three Lakhs from the complainant with assurance to
return the same within one month and he gave a cheque bearing no.
747058, which was dishonoured by the Bank on presentation.

Submission of learned counsel for the petitioner is that
entire allegation is false and concocted and the real fact is that the
cheque of the petitioner was lost and taking advantage of the same,
complainant has filed this false case with a view to squeeze money
from the petitioner. Further submission is that at best only a case



under Section 138 of the N.I. Act, is made out against the petitioner, which is a bailable offence and there is no allegation against under Sections 406 and 420 of the Indian Penal Code.

Heard learned A.P.P. as well as learned counsel for the complainant. They have opposed the prayer for anticipatory bail.

Having heard both sides, considering the facts and circumstances, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, in connection with Complaint Case No. 400 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure with further subject to the condition that petitioner shall cooperate in disposal of complaint case.

(Vinod Kumar Sinha, J)

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