

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40036 of 2019

Arising Out of PS. Case No.-57 Year-2019 Thana- MADHUBANI TOWN District-
Madhubani

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Manish Kumar Pathak, son of Sri Maheshwar Pathak, Resident of Village -
Mhalla - Vinodanand Jha, Colony, P.S.- Madhubani Town, District-
Madhubani. At present Maal Godown Road, Near New Bus Stand Akshay
Sales Marble Tiles and Senetary.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rakesh Chandra Jha, son of Mithilesh Kumar Jha, Resident of Village
Mohalla - Budhnagar Colony, Ward No. 29, P.S.- Madhubani Town, District-
Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner has filed the present application for
cancellation of bail granted by learned Sessions Judge VIth,
Madhubani on 10.04.2019 in A.B.P.No.519 of 2019, arising out
of Madhubani Town P.S. Case No.57 of 2019 for the offence
punishable under Section 420 of the Indian Penal Code and 130
of N.I. Act.

Learned counsel for the petitioner submits that bail
granted by learned Court below is fit to be cancelled inasmuch
as the Court below has not applied its judicial mind and only on



the basis of the fact that the petitioner is the son of an Advocate, the Court below has granted bail to the petitioner. Learned counsel for the petitioner further submits that a cheque of Rs. 6 lakh was issued in favour of the complainant for a consideration, as the petitioner had purchased tiles etc. from the shop of the complainant and the cheque given by the petitioner has bounced. Therefore, petitioner has committed offence under Section 420 and 138 of N.I. Act.

After having heard learned counsel for the petitioner as well as State and upon perusal of the materials available on record, I am satisfied that no case under Section 420 is made out. Accordingly, on the basis of the fact that the cheque has bounced, learned Court below has rightly granted anticipatory bail to the petitioner inasmuch as Section 138 of N.I. Act is bailable.

Accordingly, the present application is dismissed.

(Anil Kumar Sinha, J)

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