

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42738 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

-
1. VINOD KUMAR @ BINOD KUMAR, S/o Mahanth Ray
 2. Pramod Kumar @ Pramod Kumar Ray, S/o Mahanth Ray
Both residents of Village-Dumari Gobarsahi, P.S-Sadar, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 10-07-2019 The petitioners apprehend their arrest in connection with
Sadar P.S.Case No. 23 of 2019 registered under Sections 406
and 420/34 of the Indian Penal Code and 138 of the Negotiable
Instrument Act (hereinafter referred to 'N.I.Act').

Allegation against the petitioners is that petitioners are
proprietors of a Dairy Project at Muzaffarpur and they took Rs.
5,100/- from 28 persons including the informant as security
money for supply of Lactometer, Ken and Register etc. to each
person. It has further been alleged that informant collected milk
from the milk suppliers and supplied it to Dairy of petitioners
and against the supply of milk to the petitioners' Dairy, a sum of
Rs. 1,23,039/- became due for which petitioners' issued three



cheques of a total sum of Rs. 70,000/- of Dumari Branch, Syndicate Bank, Gobarsahi in different dates, which got dishonoured by the Bank due to insufficient fund in the account of the petitioners.

Learned counsel for the petitioners submits that from bare perusal of the FIR, no case under Sections 406 and 420 of the Indian Penal Code is made out against the petitioners inasmuch as from the allegations, it is apparent that at best the cheques issued by the petitioners have bounced and offence under Section 138 of the N.I.Act can only be alleged for which, as per N.I.Act, a complaint before the Magistrate having jurisdiction is to be filed but the informant lodged the present FIR under Section 138 of the N.I.Act. He further submits that Section 138 N.I.Act isailable and the offences under other sections included in the FIR are not made out against the petitioners.

After having heard learned counsel for the parties and taking into consideration the fact that the allegation is of bouncing of cheques for which there is provision under Section 138 N.I.Act and further on perusal of FIR, *prima facie*, it is evident that no offence under Sections 406 and 420 of Indian Penal Code is made out against the petitioners, accordingly, I



am inclined to grant anticipatory bail to the petitioners. Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, 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 CJM, Muzaffarpur in connection with Sadar P.S.Case No. 23 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

U		T	
---	--	---	--

