

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.73831 of 2018

Arising Out of PS. Case No.-1496 Year-2017 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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1. Bibi Saifun Khatoon @ Saifun, Wife of Md. Safid Mian @ Bhuto Mian
 2. Md. Safid @ Bhuto Mian, Son of Late Wazir Mian
Both Permanent Resident of Village-Rupauli, P.O.-Sahuriya East, P.S. Sour Bazar, Distt.-Saharsa; present address Dumrail Ward No.37, Medical College, west side of pond, P.O. Rupnagar, P.S. + Distt.-Saharsa, presently residing at Near Harijan Temple, Gali No.4, Manna Colony, Bour Khaira, Distt.-Kota Rajasthan, Pin No. 324001.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kailash Pandit, Son of Shri Mahim Pandit, Resident of Village-Rupauli, P.O. Sahuriya East, P.S. Sour Bazar, Distt.-Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Adv.
For the O.P. No. 2	:	Mr. Pawan Kumar, Adv.
For the State	:	Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

- 3 15-01-2019 Mr. Pramod Mishra, the learned counsel for the
- petitioners seeks permission to withdraw this application with
- respect to petitioner No. 1/Bibi Saifun Khatoon @ Saifun as
- she has been arrested and her petition has become



infructuous.

The application with respect to petitioner No. 1 is, therefore, dismissed as having become infructuous.

Heard Mr. Pramod Mishra, the learned Advocate for the petitioner, Mr. Pawan Kumar, the learned Advocate for the opposite party No. 2 and Mr. Nirmal Kumar Sinha, learned Advocate for the State.

The petitioner No. 2 seeks bail in anticipation of his arrest in connection with Complaint Case No. 1496 of 2017 in which cognizance has been taken under Section 406 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

This Court has been informed that the cheque in question, which bounced, was executed by petitioner No. 1, who was arrested and was later granted bail. So far as petitioner No. 2 is concerned, he is not said to have issued cheque though he is the husband of petitioner No. 1/Bibi Saifun Khatoon @ Saifun, who is the main accused in this case.

In any view of the matter, since the offence



basically is a regulatory offence and the petitioner No. 2 is ready to face the trial, he, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Saharsa in connection with Complaint Case No. 1496 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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