

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44659 of 2019**

Arising Out of PS. Case No.-2508 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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RAJ NARAYAN SINGH @ RAJU SINGH Son of Late Rajdeo Singh
Resident of Village - Jhakra, P.S.- Govindganj, Distt - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajan

For the Opposite Party/s : Mr.Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-07-2019 Heard learned Counsel for the petitioner, learned

Counsel for the complainant and learned Additional Public

Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Complaint Case No. C-2508 of 2018, in which
cognizance has been taken under Sections 406 and 506 of the
Indian Penal Code and Section 138 of the Negotiable
Instruments Act, 1881.

The allegation against the petitioner is that the
petitioner had taken a loan of Rs. 10,51,000/- from the
complainant and in satisfaction of the same, he issued a cheque
of Rs. 7,00,000/- in favour of the complainant, which
subsequently bounced.



Learned Counsel for the petitioner submits that from perusal of the complaint petitioner, no offence under Section 406 and/or 506 of the Indian Penal Code is made out and at best, Section 138 of the Negotiable Instruments Act, 1881 can be said to be applicable against the petitioner. He further submits that the Negotiable Instruments Act, 1881, is special Act, relating to bouncing of the cheque, in which, cognizance has been taken.

Learned Counsel for the complainant vehemently opposes the prayer for anticipatory bail and submits that pursuant to an agreement, a sum of Rs. 10,51,000/- was given to the petitioner, which he failed to repay to the complainant and the cheque issued for the payment of the same has also bounced, as such, offence under Section 406 of the Indian Penal Code is made out against the petitioner.

After having heard learned Counsel for the parties and taking into consideration the fact that the allegation is for bouncing of cheque, for which there is special provision, under Section 138 of the Negotiable Instruments Act, 1881, I find it a fit case for grant of privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Raj Narayan Singh @ Raju Singh, in the event of his arrest or surrender before the Court below



within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Motihari, East Champaran, in connection with Complaint Case No. C-2508 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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