

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50147 of 2019

Arising Out of PS. Case No.-466 Year-2016 Thana- MOTIHARI MUFASIL District- East
Champaran

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ARVIND KUMAR, S/o- Lal Babu Prasad @ Phekan Jee @ Lali Babu Prasad
R/o Village- Kataha, P.S.- Motihari Muffasil, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dipendra Kumar S/o Prabhu Dayal Prasad R/o Village- Kataha, P.S.-
Motihari (M), District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh
For the Opposite Party/s : Mr.Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Muffasil Police Station Case No. 466 of 2016, disclosing offences under Sections 406/420 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act, 1881.

The allegation against the petitioner is that the petitioner along with his father had taken a loan of Rs. 5,00,000/- from the informant and had issued a cheque in lieu thereof as security and when the cheque was presented before the bank for its encashment, the same stood dishonoured due to insufficient fund.



Learned Counsel for the petitioner submits that from perusal of the First Information Report, it would be evident that a loan was allegedly given by the informant to the petitioner and his father and the cheque issued by the petitioner along with his father stood bounced due to insufficient fund and in that view of the matter, at best, a case under Section 138 of the Negotiable Instruments Act, 1881 would be made out, which is bailable in nature and no offence under Section 406 and/or 420 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 in the First Information Report is about bouncing of the cheque, for which there is special law and there is procedure provided under the Negotiable Instruments Act, 1881, for lodging complaint against the person, who has issued cheque, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Arvind Kumar, 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 Chief Judicial Magistrate, East



Champaran, at Motihari, in connection with Muffasil Police Station Case No. 466 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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