

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54839 of 2019

Arising Out of PS. Case No.-540 Year-2019 Thana- NAWADA District- Nawada

-
1. CHHOTU KUMAR Son of Anil Kumar @ Anil Kumar Singh @ Anil Singh
Resident of Village - Station Road - Hisua, P.S.- Hisua, Distt - Nawada.
 2. Niwash Kumar Son of Anil Kumar @ Anil Kumar Singh @ Anil Singh
Resident of Village - Station Road - Hisua, P.S.- Hisua, Distt - Nawada.

... .. Petitioners

Versus

1. The State Of Bihar
2. Manoranjan Kumar Son of Ram Kishore Singh Resident of Village - Bhim
Bigaha P.S.- Narhat, Distt - Nawada.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.Ram Naresh Ray

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 04-09-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Nawada Town P.S. Case No. 540 of 2019 for the offence punishable under Sections 341, 323, 506, 406 and 420/34 of the Indian Penal Code and Section 138 of the N.I. Act.

Learned counsel appearing on behalf of the petitioners contends that no offence under Section 138 of the N.I. Act can be said to be made out on the basis of what has been alleged in the First Information Report inasmuch as no statutory notice, as required under the said provision, was ever served upon the petitioner. He has further contended that there is



some dispute over accounting between the parties and the present criminal case has been registered for putting undue pressure on the persons named in the First Information Report.

I find some substance in submission made on behalf of the petitioners. This application is accordingly allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nawada, in Nawada Town P.S. Case No. 540 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Pawan/-

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

