

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69483 of 2018**

Arising Out of PS. Case No.-103 Year-2017 Thana- DHANSOI District- Buxar

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1. Baijnath Singh
  2. Markandey Singh, Both Sons of Late Nagina Singh Yadav Both are resident of Village- Karma Tola, P.S.- Dhansoi, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Om Prakash Singh, s/o Late Govind Dayal Singh, Residence of village-Bhanpur, P.S.-Dinara, Distt. Rohtas.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Arun Kumar Gupta  
For the Opposite Party/s : Mr.Sri Anand Kishore Choudhary

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

4      20-08-2019                      Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Dhansoi P.S. Case No.103 of 2017 for the offence punishable under Sections 406, 420 of the Indian Penal Code and Section 138 of N.I. Act.

The allegation against the petitioners is that petitioner No.1 had taken a loan from the informant of Rs.8 lakhs for doing business of cattle and when the informant demanded his money back, the petitioner gave a cheque of Rs. 8 lakh of Allahabad Bank, which got dishonored due to insufficient fund and account inoperative.



Learned counsel for the petitioners submits that petitioners have been implicated in this case on the basis of the fact that petitioner No.1 had issued a cheque which subsequently bounced and from perusal of the First Information Report, at best the offence under Section 138 of NI Act is made out against the petitioners for which the separate provision under the NI Act for launching prosecution against the petitioner is available. Learned counsel further submits that no offence under Section 406 and 420 is made out upon perusal of First Information Report.

On the other hand, learned counsel appearing for the informant vehemently opposes the prayer for bail and submits that admittedly a cheque of sum of Rs. 8 lakh was issued in favour of the informant which bounced due to account being inoperative and the petitioner No.1 very well knowing about the fact that his account is inoperative issued the cheque with intention to cheat the informant.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that there is dispute relating to transaction of money between parties and admittedly a cheque has been issued by petitioner No.1 in favour of informant which



has bounced due to the reasons of insufficient fund and inoperative account for which, a separate provision under the Special Act, i.e., N.I. Act is there, as such, I am inclined to grant anticipatory bail to both the petitioners.

Accordingly, both the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

**(Anil Kumar Sinha, J)**

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